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Toxics cover-up?



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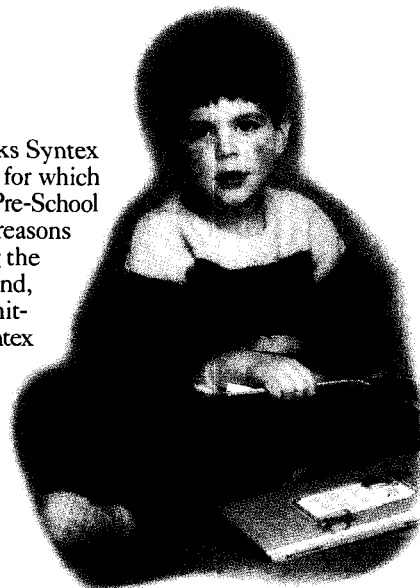
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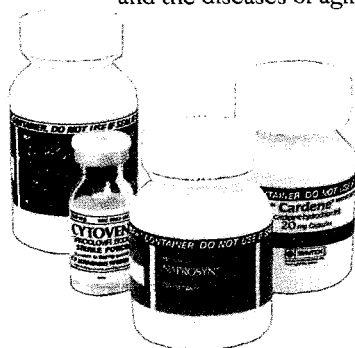
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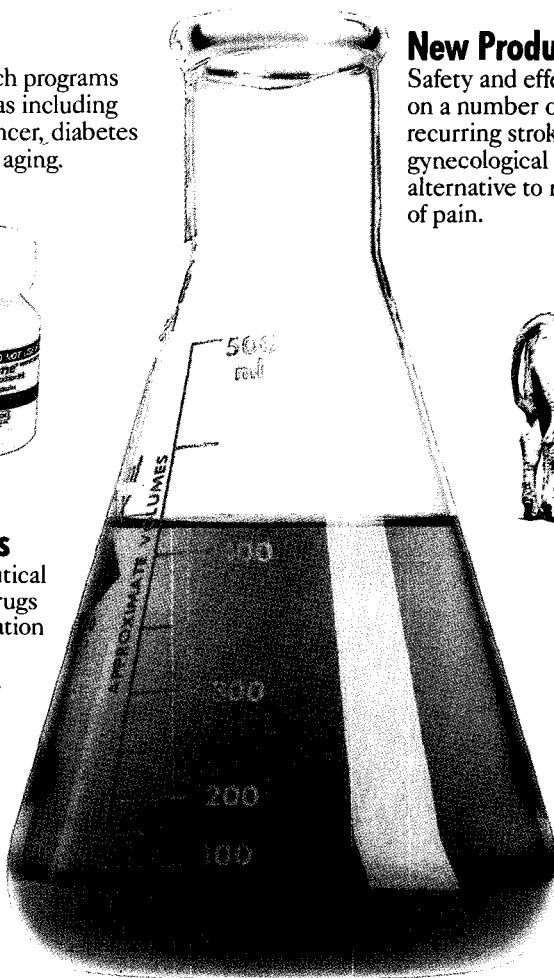
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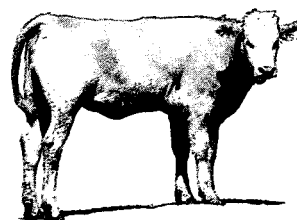
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California JOURNAL

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The state claims to have made substantial progress in cleaning up hazardous-waste sites. Critics argue the state is engaged in a cover-up, literally.

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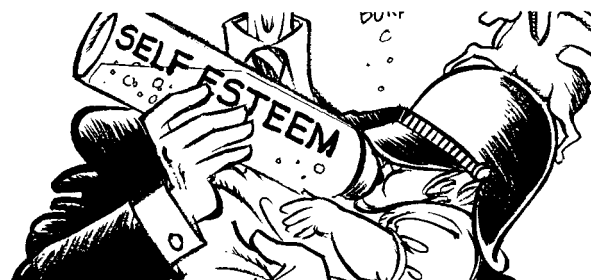
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UP FRONT

Wanted: Campaign materials.

The Coro Foundation office in San Francisco recently received an interesting request. "Would you kindly send us some booklets or other guides to teaching the initiative process," the writer began, adding, "We hardly know how to put an initiative on the ballot, organizing a petition drive and how to run a winning initiative campaign." The letter was signed, "Dr. Marek W. Stankiewicz, President, Soldidarnosc Local Initiative Group." Coro forwarded the letter to *California Journal*. We forwarded the materials to Poland.

Some conservatives just won't let up. Take Republican state Senator Don Rogers, for instance. This past April, the Legislature deliberated a resolution declaring April 22nd as "California Earth Day." But before the Senate vote on the measure, Rogers noted that April 22nd also is the birthday of the first Soviet dictator, Vladimir Lenin. Rogers inferred that this was more than mere coincidence. The resolution passed anyway, with Rogers voting "aye."

Hazardous materials. First, it was DDT. Then, cigarettes and asbestos. Now, it's campaign material. A recent invitation to a fund raiser for Sacramento County Supervisor Illa Collin carried this warning: "Chapter 2.115 of the Sacramento County code regulates contributions to campaigns for county elective office. Before making a contribution to my campaign, please read Chapter 2.115 and, in particular, section 2.115.255, 2.115.260, 2.115.300 and 2.115.310, to determine if your contribution complies with Chapter 2.115." How's that to put ice under a small contributor?

Is Al Rodda writing his memoirs? A rumor to that effect has been circulating through Sacramento these days, and now comes proof. The former state senator was observed in a computer store recently, having a little



repair work done to his keyboard. Seems the letter "I" was broken. Surprising for so self-effacing a legislator.

Wrong author department. A bill now floating through the legislative process is aimed at curbing drunk driving — of motorboats. SB 1808 would reduce the permitted blood-alcohol level from .10 percent to .08 percent, the same standards that apply to automobile drivers. Apparently, alcohol is a factor in 59 percent of fatal motorboat accidents, according to the state Department of Boating and Waterways. There is only one problem with SB 1808: Its author is state Senator Bill Leonard. Obviously, this bill should have been written by Dan Boatwright.

Move over, Stravinsky. See ya later, Gershwin. Irving Berlin? George M. Cohan? Charles Ives? Aaron Copeland? John Lennon? Pikers all. The composer of the century is none other than Californian Philip Ashamallah. Says so right here, in this brochure sent out by Ashamallah himself. But wait! There's more! Ashamallah is

more than a composer. According to his mailer, Ashamallah reversed the decline and slide of America, restored to the United States its leadership in sciences and arts, and created the world's most beloved advertisements, quotations and songs. Having accomplished all that, Ashamallah now wants to be governor of California. You'll have to write in his name, however. Seems he forgot to file nomination papers and is not listed on the June ballot. His motto may be summed up in one of the 38 Ashamallahisms printed on the back of his brochure: "In order to teach and show people how to be very modest and humble, I never brag about being the greatest genius in America." That's A-s-h-a-m-a-l-l-a-h, Democrats.

OJT Department. Seems after the state attorney general's office recused itself from the statewide criminal investigation of events surrounding the collapse of Lincoln Savings and Loan, the Los Angeles District Attorney took on the lead role in the investigation. To put together a crack investigating team, Chief Deputy Greg-

ory Thompson sent out a memo last February, asking for volunteers. "It is anticipated that issues in the investigation will include securities violation and other forms of financial fraud or abuse, as well as possible political or regulatory crimes," the memo explained, adding, "No prior experience in fraud or special investigations is required."

Who's in charge, here? Cathy Calfo has resigned as executive director of the California Democratic Party, effective after the primary. According to the *Political Pulse* newsletter, Calfo explained her departure by saying "it's not an easy job." She will be replaced on an interim basis by

Dianne Hansch, who is now deputy director. On the surface, all this seems routine. But the situation is far from routine under the surface. According to Assemblyman Tom Hayden, Calfo was driven from her job because Jerry Brown guru Jacques Barzhagi wants to control the party and is using Hansch as his front. Hansch, it seems, is Barzhagi's current "significant other." Hayden characterized the situation as "outrageous." For her part, Calfo wouldn't amplify on her reasons for leaving. Why is Hayden so interested in all this? Perhaps because Calfo comes out of Hayden's Campaign California and was evidence of the group's growing influence within the Democratic Party's power structure.

Absent good moral argument, bad moral argument will have the field to itself — George Will

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. We pay up to \$25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.

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ROSTRUM

The Gann legacy

I am disappointed that your magazine published an article regarding Paul Gann's legacy (see "The Gann legacy," *CJ*, April 1990). The Gann family is particularly offended by the irreverent and insensitive display of my father's grave in the illustration that accompanied the article. It has caused family members immeasurable emotional distress and pain. The article itself was obviously written in a slanted and sensationalist manner to support a witch-hunt theory against the concepts of citizen activist organizations.

RICHARD L. GANN
Sacramento

Keene-Handley

Your assertion that I "led the opposition" against Margie Handley's appointment to the State Transportation Commission is wrong (see Senate district-by-district analysis, *CJ*, May 1990). While I had concerns regarding alleged conflicts-of-interest with her private business dealings, I remained neutral during confirmation because I also realized her North Coast perspective could assist highway projects in my district.

If I had "led the opposition" as stated, I'm confident her appointment never would have proceeded farther than the Senate Rules Committee. As majority leader, I know what it takes to block nominations; ask Dan Lungren.

There are many issues that will define the race in the months ahead. This mischaracterization should not be one of them.

BARRY KEENE
Senator, 2nd District

Regulating doctors

In your article on regulating doctors (see "Physician, heal thyself," *CJ*,

April 1990), you almost accomplish your task even though you limit your perspective to such hackneyed concepts as the "doctors' club" and the alleged "tons of due process." The truth is that the California Medical Board (CMB) has often wrongly accused doctors of wrongful practice. In such cases, the CMB prosecutes anyway. Wrongful prosecution is persecution under the guise of the law. It has often been used as a favorite tactic to embarrass doctors.

In the case of Dr. Allan Galbreath, the CMB tried so zealously to convict him that false testimony was introduced, testimony known to be false was protected from rebuttal, and a crucial tape recording was allegedly "lost" after it was realized that an affidavit prepared from the tape contained testimony not on the tape. The CMB successfully prosecuted Galbreath only to have a Superior Court vacate the decision and dismiss the accusation. Galbreath was reimbursed by the court for \$1983 in the face of overall defense expenditures of \$125,000. Is this justice?

Senator Robert Presley now wants to strip doctors of what little legal protection they have left. In his new bill on doctor discipline, Presley wants to eliminate the right of a doctor to appeal a CMB decision to a Superior Court. Had this been in effect in 1986, the CMB might have gotten away with the wrongful prosecution of Dr. Galbreath.

Senator Presley's bill, which would deprive physicians of their rights under the law (especially to go to Superior Court) is misplaced and untenable. It is obsolete in its reasoning. It is curious that so many who would increase access to medical care would so willingly give away access to legal care.

ROBERT L. WEINMANN, MD
President, Union of American Physicians and Dentists
Oakland

Legislative rankings

Concerning your rankings of legislators (see "Who's the best?" *CJ*, March 1990), I was shocked to see some of those rankings. Perhaps the one in the Senate that shocked me most was state Senator Cecil Green. Clearly, there must be a lot of people who don't know him well or haven't had the opportunity to work with him.

Senator Green is the all-American success story. In addition to extensive private sector experience (he was a construction contractor for many years), he came out of local government where he served on the Norwalk City Council for four consecutive terms and was the mayor for three terms. He served on the Norwalk deputy sheriff's reserve for 12 years and has served on too many boards and commissions to list.

Although a member of the Senate for only a short time, Senator Green has authored some important legislation. In the first 15 months after his election, he carried 46 bills. Of these, 22 were signed by the governor. He also established one of the highest voting records in both committee and on the Senate floor, having recorded as voting 94 percent of the time — not bad for someone rated 37th out of 40 in effectiveness. Last year he carried 83 bills, and of these, 39 passed and six were vetoed. Still, a very respectable success rate.

As chairman of the Senate Public Employees and Retirement Committee, Senator Green has been involved in major legislation affecting the lives of over one million public employees and their families. Unfortunately, there are only a few of us who deal with these issues. The committee is not generally sought after by members and, as one reporter recently put it, is an "important but dull" committee. If more people followed these issues, they would know of Senator Green's good work.

AARON READ
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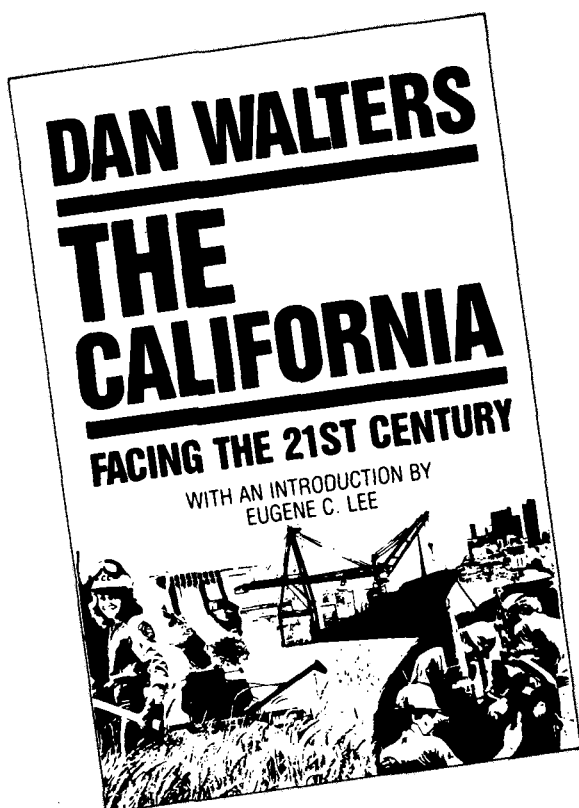
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with an introduction
by Eugene C. Lee

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NEW! Almanac of California Government and Politics, 7th Edition. Contains 192 photographs and biographies of the state's leaders, maps, historical information on all branches of state government, election statistics and population information, and much more. 1989, 5½ x 8½", 185 pages. \$8.95 paper.

California Government and Politics Annual, 1989-90. Published every year, the *Annual* consists of reprints of *California Journal* articles covering the various branches of government, elections, political reform, lobbying, finance, local government, the environment and much more. 8½ x 11", 128 pages. \$7.95 paper.

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California's Budget Dance: Issues and Process, by Richard Krolak. California's \$50 billion budget is where the action is when it comes to programs and policy in the nation's largest state. But the budget process is complicated and murky, often taking place behind closed doors. Now comes *California's Budget Dance*, a 128-page book that clearly outlines the steps, the schedule, the players and the politics of the process. The secret's out now; anyone can be a force in the process and understand what's going on. 1990, 5½ x 8½", 116 pages. \$7.95, paper.

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Toxic cover-up?

State likes to cover over rather than clean up hazardous sites

By Michaela Jarvis

To hear the state Department of Health Services' toxics division tell it, the clean-up of hazardous waste sites in California is moving along smoothly. Most sites within cities are clean. Large, difficult sites are being dealt with step-by-step until they can be certified as clean. Poisons in danger of spreading or endangering people are being contained. The companies who polluted the ground in the first place are being forced to clean up their messes. Clean-ups that require substantial state money are being funded.

"There's absolutely no question in my mind," said Toxic Substances Control Division spokesman Bob Borzelleri, "we're not talking about a situation where there are rampant, bleeding-wound kinds of situations in California. By and large, all the hazardous waste sites that offer any kind of risk are being dealt with."

Environmental groups are not so sure.

"The state is attempting to show progress," said Penny Newman of the Citizens Clearinghouse for Hazardous Wastes, "but they're not cleaning up. They're doing what I would classify as covering up."

Experts at the U.S. Congressional Office of Technology Assessment (OTA) aren't so sure, either.

"I'm not impressed with California's performance on this," said Joel Hirschhorn, senior associate with OTA. "Basically what we've discovered is that even a progressive state like California is doing a worse job at toxic clean-up

Michaela Jarvis is a San Francisco freelance writer who contributes frequently to the California Journal.

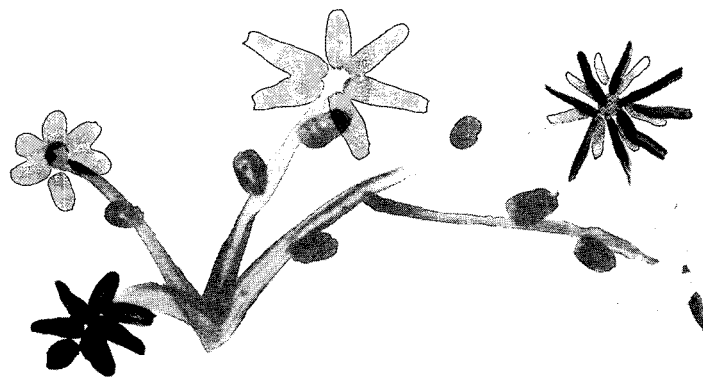
than the federal government. There's no doubt that there's a lot more clean-up activity, but what's actually being accomplished? Lots of activity, lots of studies and lots of clean-ups that are just band-aid clean-ups, especially in California."

Is the state minimizing ground pollution in California, or trying to minimize in people's minds the dangers of ground pollution? Has the toxics division, embattled since its inception in 1972, settled on the best approach to clean up, or has it just settled for easy, short-term solutions? Is the toxics division acting as the guardian of the public health and the environment, or is it just guarding the gate to a state government that is neglecting toxic clean-up?

The hazardous waste dump, discovered by residents, buried beneath homes in the Oxnard Dunes subdivision is not what the state would call a "bleeding-wound" site. Before 1985 none of the residents knew they were living on anything but natural sand dunes. It wasn't until two property owners, wanting to build on their lots, had routine soil tests performed that the residents discovered the area had been used as a dumping ground for the oil industry up to one year before it was developed. More than eight million barrels of drilling muds containing oil and tar were buried there. Testing came back positive for benzene, toluene and xylene. According to chemical assessments used by the state, benzene and certain types of zinc can cause cancer. Toluene and some forms of xylene have been linked to birth defects. Later tests found barium and zinc, and evidence of toxic chemicals not only in the soil but in the groundwater.

Residents complained of dizziness, headaches, respiratory illness and chronic colds and flu they thought might be associated with the hazardous chemicals beneath their homes. They questioned whether two cancer deaths were related to the contamination. Several residents said they smelled a rotten egg odor in the early mornings and late evenings and whenever there was no wind.

County health officials told residents to keep their children away from the contaminated soil. They told residents and utility companies needing access to underground lines not to dig in the soil. No one was to drink water from their taps, or eat anything grown in the neighborhood. About 140 residents filed a \$2.8 billion lawsuit against the city, the state (for allegedly hauling asphalt to the site, although it



was later dropped from the list of defendants), the developers, former owners and the companies that dumped their wastes at the Dunes. Four savings-and-loan institutions holding mortgages on properties in the Dunes pledged support for the suit after residents stopped paying them, stating that they didn't want the properties back and therefore declining foreclosure. Some residents have abandoned their homes.

But because tests measuring poisonous gases among the homes came back showing none or negligible amounts, the state declared that public health was not "currently endangered." This determination was made despite a federal Environmental Protection Agency report which cited the following potential risks:

- An aquifer that has been contaminated by the wastes could discharge into a nearby canal;
- "Highly volatile" substances near the ground surface could contaminate the air or cause explosions in and around the homes;
- Residents could have direct contact by the wastes near the ground surface; and
- The drinking water, not of the residents but of neighboring communities, could be contaminated.

"There are lots of sites of higher priority in California," said C. David Willis, deputy director of the state toxics division. "The only reason we're involved in this site is because homes are on it now. The only real potential of endangerment is direct contact. If there was no development, we would fence and post and it and say 'come back in five years if we have time and money.'"

Steve Blanchard — who said he abandoned his home in the Dunes because he and his daughter suffered dizziness, shortness of breath and headaches — said this about the state's determination that there is no "immediate" health danger in his former neighborhood: "Sure, maybe you can walk through the Dunes one day and not keel over, but what about the long-term prolonged exposure to these cancer-causing toxics? Are they cumulative in the body, and who can guarantee us we won't contract cancer from this five, 10 or even 20 years from now?"

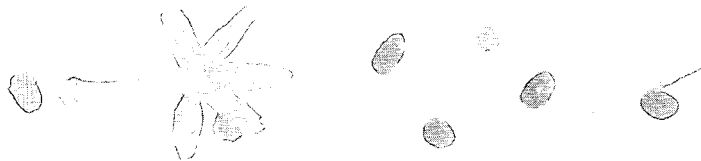
In 1987 a bill that qualified the subdivision for money from the state Superfund, which usually excludes petroleum-tainted sites, looked like it would save the Dunes. Then early last year, state officials said all money from this fund was committed and that further investigation of the site could be postponed for up to two-and-a-half years. The state estimated its total clean-up costs at \$2 million (responsible parties have not complied with state demands for assistance), about \$400,000 of which will already have been spent by the end of this fiscal year on investigation of the site. State officials are now projecting the site will be cleaned up by November 1991, but they have fallen so far behind on specific deadlines that residents are skeptical. Lynda Paxton, who stopped paying a mortgage on her Dunes home and moved to Ventura, said the residents' lawsuit is being held in abeyance until a Department of Health

Services report is submitted. "First it was supposed to be September ... but it's not in," she said.

Borzelleri did not commit the department to a new date. "We're surely not going to rush a process that requires technical evaluation in order to meet a timetable."

But Paxton complains, "We've gotten a very poor response from the state. They're just as nice to you as they can possibly be, but they don't do anything. My mother and my children and I lived there for eight years. That's a long time to live on that stuff."

To go purely by the number of sites certified in a year as cleaned up the state toxics program would appear to have picked up momentum beginning in 1983 (when 28 sites were completed), hit a peak in 1984 (with 51 sites) and then decelerated. In 1988 only 17 sites were certified as clean. Last year, only nine sites received certification.



Assessing California's toxic clean-up is not, however, that simple. For one thing, during the clean-up boom years, many of the sites listed were small and insignificant. Large sites with complicated layouts and mixtures of poisons were put off, and the listing of certified sites became known as "bean counting." In his annual State of the State address in 1986, Governor George Deukmejian took credit for having cleaned up more than 120 sites. Only 67 sites have been certified since then, despite a tripling of the state toxics staff and a doubling of their budget.

Also, as toxics officials are quick to point out, these days the state is engaged in a much more effective "stabilization" process. Stabilization — often accomplished by putting a paved cap over the site or pumping out contaminated water — decreases the chance that the toxic chemicals will spread or endanger people, but it doesn't mean that the sites are clean. The cheapest way to deal with hazardous wastes is to contain them — put a liner under them, a cap over them, a fence around them or any combination of the three. The next cheapest method is to bury them elsewhere, in a location with less threat of spread or exposure to people. Because the wastes are not rendered harmless with either of these two methods, they may again require clean-up.

Officials allow that stabilization is an emergency measure, like applying a tourniquet to a bleeding wound. They have in some cases, however, thrown up their hands on totally clearing sites.

"In many cases, it's impossible to clean up sites to a pristine state," said Borzelleri. "At the Del Amo site in Los Angeles, we were trying to do that and needed to find background levels [concentrations of certain chemicals found in the environment not affected by contamination] from around the site. But we couldn't find any we were satisfied with in the area."

"At some point, you have to acknowledge your limitations. Instead of going after a few sites to reach protection, we're spreading out our resources."

Sometimes stabilization is used to buy time until money and resources can be secured for more thorough measures.

"There's always a possibility of exposure and spread," said Borzelleri. "The question is, what's the likelihood that

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there's going to be a significant spread?"

Borzelleri said they can determine how the contamination will travel underground and by that gauge the risk of its ending up on the surface, in streams or in drinking water. "Aquifers are pretty well charted, and we know where they are. We can have a pretty good sense of how much time we've got."

"That's interesting they should make a statement like that," said Newman, who has worked alongside the state for years on the clean-up of the Stringfellow Acid Pits in western Riverside County, "because the [state] project directors on Stringfellow have told me time and time again, that that's an invisible area, that it's like guessing at things blindfolded. When they assured us that the contaminants from Stringfellow hadn't gone south of the freeway and then tests showed they had gone beyond there and two-and-a-half miles into the middle of the community, they said it wasn't their fault, that they can only hazard guesses on groundwater flows. I guess it just depends on what point they're trying to make."

Hirschhorn also called the state's arguments for stabilization unsound.

"It's completely cock-eyed thinking," he said. "A lot of these people must be Republican appointees. At high levels, purely political Republican ideology is being used as scientific argument. They're shifting the health hazard to the future. Once you start walking away from these sites, you increase phenomenally the extent of the ultimate clean-up. All of these people have the same goal: It's not environmental control, it's reducing spending."

One way to stretch the state's clean-up buck is to locate and fine the companies who created the toxic sites in the first place. In 1984 the toxics division had not managed to collect one cent from the parties responsible for contaminating the sites, according to a report by the Little Hoover Commission. But in fiscal years 1986-88, just \$31 million in state money "leveraged" \$394 million from responsible parties for clean-ups, which allowed \$100 million in bond funds passed in 1984 to last six years, three times as long as originally projected. In January 1990, 71 sites were being cleaned up at the expense of the companies that created them. A simplified mechanism for enforcing their participation is finally in place; in the last state legislative session, a bill was passed which outlined the specifics of the clean-up funding by responsible companies.

"I think, by and large, that we have the authority we need to go after responsible parties," Borzelleri said. "They're going to clean them up according to the standards, that's all there is to it."

But is the quality of industry-financed clean-ups inferior? Hirschhorn said clean-up standards differ from one industry-financed project to another, according to how negotiations go between polluters and the state.

"Companies who created the sites have learned to sit down with government bureaucrats and make sweetheart deals. The state is negotiating away clean-up objectives."

Only official federal Superfund sites, of which there are 1200 across the country, have to comply with strict clean-up requirements, Hirschhorn said. State clean-ups, particularly those financed by responsible parties, often end up us-

ing "inferior, ineffective and impermanent" technologies, he added. A passage in the 1990 update to the expenditure plan for the Hazardous Substance Clean-up Bond Act indicated the toxic division's lack of clean-up definition:

"The department [Health Services] is in the process of developing more definitive soil clean-up standards which will be made available to persons wishing to proceed with expedited clean-ups. The department is also reviewing all available technical guidelines to identify those that are preferred for usage."

The Little Hoover Commission predicted in 1984, "The failure to develop consistent public health standards may result in individual site clean-up standards which are inappropriately influenced by the interests of responsible parties."

"They've been trying to put together those [standards] for six years," said Jody Sparks, president of Toxics Assessment Group, a private firm that analyzes toxics problems and who worked on the Little Hoover Commission's report. "Nothing has really changed. The division just sort of picks figures out of the air. They don't want to be held to anything. The levels change depending on what site it is."

Borzelleri said a very complex formula for site cleanup — which takes into consideration such things as the toxicity of contaminants, types of soil, watershed problems, and the intended land use of a site — is in the final stages of internal review in the department. He declined to say when the formula would be released for public review, the next step before it can be applied.

"It's voluminous. Hundreds of pages. So I can't say how long it will take. It's just a very large project," he added.

Clean-up at some of the state's most notorious sites has taken much longer than anticipated, and major problems persist. The massive Stringfellow Acid Pits hazardous waste site has been on state and federal Superfund lists for nearly 10 years and is nowhere near completion.

In April, the federal Environmental Protection Agency's Office of the Inspector General said \$3.8 million in federal monies was misspent or unaccounted for because of mismanagement by state toxics officials of the Stringfellow site. Staff turnover, inadequate training and lax supervision "have led to major fiscal problems," auditors said. Audits in 1981 and 1985 had revealed similar problems and recommended solutions which were not followed. This audit recommended the state repay the federal government at least \$2.1 million, the amount of money state officials say they spent on some staff positions at Stringfellow, but which cannot be proved to the EPA's satisfaction. Such financial disparities, the audit said, "may restrict the EPA and state of California's ability to recover clean-up costs from companies that dumped millions of gallons of toxic waste at Stringfellow in the first place."

Borzelleri writes off most criticism to differences in the accounting practices used by the state and federal government. As for the rest, he says, "We'll just have to see. We're still looking at the report."

"When you look at that audit, you wouldn't say the state is doing a better job than they ever have," said Newman. "The reason Alex Cunningham [chief deputy director of the toxics division from 1986 through January of this year] and Ted Rauh [a Stringfellow project manager] were brought in was for their management skills, not their technical know-how. But things are going wrong, even in that respect. If anything, they're doing a better job at public relations and a 'linguistic detoxification,' that is, defining the problem so it doesn't exist." 

SUCCESS STORIES

M E E T S A N D R A O L P I E N D O



Sandra Olpiendo is a California native, born and raised in the Los Angeles area. She is a single mother of a 4 year-old daughter.

Sandra attended Belmont High School. She worked at Fotomat and dropped out of high school to take-on a supervisory position with the company. Realizing she had made a mistake not continuing her formal education, Sandra studied hard and in 1982, earned her GED.

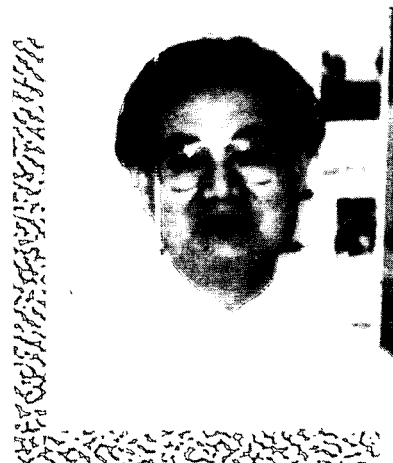
Sandra used her experience with Fotomat to get a job in the printing industry. She stayed working in that industry for six years. She left her job at the printing company when she became pregnant with her now, four year-old daughter.

Having a child was a big responsibility, as Sandra soon realized. She decided to enroll in the Wordprocessing Program at United College of Business. In the beginning, Sandra attended school full-time while working part-time as a file clerk for the Law Offices of Robert J. Allan. She was earning \$5.00 per hour. As her skills improved through training at UCB, Sandra was continuously promoted. She continued attending UCB part-time while working full-time as her new position from the promotion required.

Sandra graduated from UCB in 1978. Today, she is working full-time at the law firm. She is a key player in the company's day-to-day activities as a legal secretary and is doing bookkeeping for the entire law firm. Sandra now earns over \$2100 per month. She says she is very happy that she went back to school because now she and her daughter can live a comfortable life.

Sandra Olpiendo is a Success Story.

M E E T H A N G S O O S H I N



Hang Soo Shin is a native of South Korea who immigrated to Los Angeles in 1986. Upon arriving in the United States Mr. Shin decided to seek career training that would enable him to seek the ultimate American Dream...going into business for himself.

With a wife and 4 children to support and a new language and culture to learn, Mr. Shin had lots of work to do.

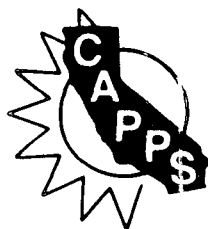
He enrolled in the Optical Dispensing program at the American College of Optics in October of 1986. He worked while attending school for 6 months and then he took a 30 day externship at Lenscrafters, where he was hired permanently upon completion of the 30 days.

With the training and experience he needed in hand, and a burning desire to pursue his dream, in January of this year, Mr. Shin left Lenscrafters to open his optical business in Los Angeles.

The optical shop, called, "L.A. Optical" is located on Vermont Avenue just 3 blocks from the college that helped to make his dream come true. Mr. Shin recently took on an intern from American College of Optics, Mr. Jin-Suk Park, who was hired on just a few weeks ago as a permanent employee.

Mr. Shin is proud to be a new business owner and reports business is great! The shop serves the community at large as well as the nearby "Korea Town" residents.

Hang Soo Shin is a Success Story.



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THE ETHICS JUNGLE

Can We legislate virtue?

By Al G. Block

"If I am not for myself, who will be for me? If I am for myself alone, what am I? If not now, when?" — Hillel

On April 19, 1990, the California Legislature passed an ethics bill (see box, page 285). The vote was 34-0 in the Senate and 71-1 in the Assembly. On May 4th Governor George Deukmejian signed the bill into law. Thus ended a year-long effort to craft a code of conduct meant to deter corruption, curb the worst excesses of wealthy special interests, and change public perceptions that California government was for sale to the highest bidder.

The new ethics law applies to legislators, other elected state officials and top state employees. It bans outside speaking fees and honoraria; limits gifts to \$250 from one source; imposes a one-year ban on lobbying by office holders once they leave office; imposes up to \$2000 in fines on legislators for violating existing conflict-of-interest codes; makes it a conflict-of-interest, subject to certain penalties, for members of the State Board of Equalization to vote on matters affecting contributors who donate more than \$250 to their campaigns; and requires legislators, legislative staff, and lobbyists to take a course on standards of ethical conduct at least once every two years. Some of these provisions take effect only if Proposition 112 is approved by voters in the June 5th primary (see "Ballot Booklet," *CJ*, April 1990).

Assemblyman John Vasconcellos, the San Jose Democrat who served as chairman of the Assembly Select Committee on Ethics, touched on the importance of this

legislation when he told the *Los Angeles Times*, "It makes it clear this Legislature can act to assure the public that we are ethical and persons they can trust."

Did government have an ethics problem? And, if so, does the new law solve it? Does a code of conduct restore public faith in government? Or is a code only part of the solution? And what are the consequences if there is no solution?

One hears constantly from lawmakers and other elected officials that the perception of a government tainted by influence-peddling and corruption is overstated. They complain that it is a product of media hype and paranoia, fostered by the notion that the public does not understand the complex and intricate nature of legislating. They argue that public officials today are far less corrupt than their 19th Century predecessors. After all, goes the refrain, back then, the Southern Pacific Railroad virtually owned California government; or, 40 years ago lobbyist Artie Samish ruled key legislative committees from a suite at the Senator Hotel; or, 20 years ago lobbyists, legislators, reporters and legislative staff wined and dined nearly every night, with lobbyists passing the tabs on to their special-interest employers. The present situation is not nearly so tainted, they say.

"Standards [of behavior] are constantly in flux," said Edwin Epstein, who teaches business and public policy at the University of California's Walter A. Haas School of Business in Berkeley. "Practices which 100 years ago ... were viewed as SOP [standard-operating-procedure] are no longer acceptable. We are constantly ratcheting upward our expectations as to what is appropriate behavior. Each incident causes that ratchet to move."

Epstein, who has written widely on the subject of

campaign finance, explained that the flux is caused in part by the schizophrenic nature of the American political character. We are, he said, both idealists and pragmatists. On one hand, we value the strong American political tradition of altruism, of obligation, public duty and public service — a tradition best expressed when the late President John F. Kennedy challenged Americans to, “Ask not what your country can do for you, ask what you can do for your country.”

But Epstein sees another American political tradition existing side-by-side with altruism: a venality embodied in the practices of big-city machines, in the worst aspects of American racism, in scandals that surfaced throughout the Reagan administration, in the conviction of Democratic state Senator Joe Montoya, and in the on-going influence-peddling morass surrounding the collapse of Lincoln Savings and Loan (see “The Ethics Jungle,” *CJ*, April 1990).

“Both Kennedy and Reagan are part of the American political personality,” said Epstein. “We are people who admire entrepreneurship and have a notion of almost nihilistic freedom of liberty to do what you want. At the same time, we’re the society that invokes egalitarian imagery. We see ourselves as a very noble society.”

The tension between these two halves of the American soul is most evident in the political process where winning is paramount and where, for the participants, the ends may become more important than the means employed to achieve those ends. It is American pragmatism: Do it anyway you have to, get the job done.

Often, the two strains cross and interrelate. For instance, without the influence and vote-creating power of Chicago Mayor Richard J. Daley’s big-city machine, John Kennedy may never have been elected president in 1960.

Perhaps the best examples of how noble ends are wrought from ignoble means are the careers of successive presidents, Lyndon Johnson and Richard Nixon. According to biographer and historian Robert Caro, the Johnson presidency marked the nation’s first massive attempt to deal with poverty in America and propelled Black Americans along the road to electoral equality through the Voting Rights Act of 1965.

“Many of the ends of Lyndon Johnson’s life ... were noble,” Caro wrote in his recent book “Means of Ascent,” “heroic advances in the cause of social justice ... many liberal dreams might not be reality today were it not for Lyndon Johnson.

“Those noble ends, however, would not have been possible were it not for the means, far from noble, which brought Lyndon Johnson to power.”

Among the means: buying votes to steal victory in the 1948 U.S. Senate election; lying to colleagues and constituents; distorting his war record; acting in secret to cloak his aims and confuse his foes; using political privilege and power to accumulate an enormous personal fortune and to crush real and perceived enemies. Johnson’s unethical means set the tone for his entire political life. And when he applied them to the presidency, and ultimately to conduct of the Vietnam War, he raised suspicions about truthfulness in government that eroded public trust in government.

The notion that presidents can, maybe even should, deceive, was one Johnson passed on to Richard Nixon who, despite ending the Vietnam War and his triumphs in foreign policy, exacerbated public mistrust with Watergate and ultimately crippled the presidency during his second term.

There were codes of conduct during Johnson’s term.

There were laws to prevent the kind of obstruction of justice that the Nixon administration engaged in during 1973, just as there were laws which proscribed the kind of activity for which former state Senator Joseph Montoya was convicted earlier this year. But codes of conduct and laws were not enough to prevent unethical behavior, even at the apex of



American political life. But codes are no substitute for an internal sense of right and wrong. None of these leaders, at least in public, acknowledged they had done anything wrong.

In a democratic society, the means are as important as the ends. This seems especially true in the political arena, because the political system casts a tone for all of society. Like it or not, lawmakers and other governmental officials set the pace; if they treat public office as some kind of private reserve to be milked for personal gain, or in strict self-interest, the public grows disaffected, distrustful and cynical. Rather than revolt, it disengages. This is dangerous, because the health of any democratic society depends on an active and participatory citizenry.

That is why events surrounding passage of California’s new ethics bill are both reassuring and troubling. They are reassuring because the Legislature chose to deal substantively with the issue rather than throw words at it. They are troubling because subsequent actions of lawmakers and the Deukmejian administration call into question both the Legislature’s motives and whether government officials understand why the bill was necessary in the first place. For this law to restore public confidence and trust in government, as Vasconcellos and others hope it will do, the public must believe that the Legislature’s efforts were sincere. Creating a healthy ethical environment involves more than a code of conduct.

“Westerners are rule-driven,” said Edwin Epstein. “So, we tend to see ethics in terms of universalistic rules about good and evil, right and wrong. In Asia, however, it’s not so simple. They take a much more situational perspective where relationships and past dealings loom important. In Indonesia, for example, part of the view of ethics is also esthetics — what is seemly, what is appropriate, what is consistent with the expectations of society.”

But you cannot codify esthetics. Nor can you legislate character or compel virtue. And a healthy ethical environment does not derive only from a set of rules. It derives from that which you cannot legislate or codify — from moral character which affects how individual and collective judgments are made, how conflicts are resolved and how priorities are ordered. And it is improving ethical character that is the central goal of society’s — and, by

force of political nature, the Legislature's — reemerging preoccupation with ethics.

George Will, in his book "Statecraft as Soulcraft," compares society to a Calder mobile: Touch it here, and it trembles there. "Beliefs, habits, mores, dispositions are connected to one another in subtle ways and are related to behavior in many ways," he wrote. One might add that the trembling often is most violent at the farthest point from the touch.

The fulcrum of a democratic society's mobile is its social institutions, primarily its government. The tremble now rippling through this government and out to society's very edges is the belief of growing numbers of people that government no longer is responsive to ordinary citizens and no longer capable of judging issues fairly among competing interests, that its decision-making process is tainted by money and the influence of those wealthy enough to buy their way in as players.

You cannot separate the Legislature's code of conduct from the necessity for having the code: to address public mistrust in a meaningful and sincere way. So, it is troubling when lawmakers express a narrower view. In conversation after conversation, interview after interview, legislator after legislator said that honoraria and expensive gifts ought to be banned not because it was wrong to accept them but because the *public thought* it was wrong. And most lawmakers disagree with the public; they do not think they are unduly influenced by an honorarium, or by a gift. For instance, as the ethics code was being debated in a two-house conference committee, Assembly Speaker Willie Brown Jr., a member of the committee, complained that the new law would interfere with what he called "normal social interaction," like accepting free tickets to the Academy Awards ceremony.

"I don't think anyone in his right mind would suggest there is anything wrong with going to the Academy Awards," Brown was quoted in the *Los Angeles Times*. "I



think we ought to think about what we're doing to ourselves." Brown eventually voted for the bill, including the provision limiting gifts to \$250 per source, per year.

The logic behind the ban on honoraria is also troubling when one views the ethics bill in the context of public trust. Honoraria are banned only if Proposition 112 is approved by voters. Among other provisions, Proposition 112 will establish an independent commission to set legislative salaries, presumably upward. Are honoraria good or bad? Does an honorarium corrupt a well-paid legislator but not corrupt one who is underpaid? What is

the public to make of this somewhat confusing rationale? And does linking the honoraria ban to a sure-fire pay raise spark questions about the Legislature's motives? Does it breed a kind of creeping public cynicism that may begin to erode trust in those motives?

There are other troubling aspects, as well. In the two weeks between passage of the bill and the governor's signature, a controversy arose over the so-called "revolving door" provision meant to prevent legislators, legislative staff and high government officials from lobbying government for one year after leaving office. Members of the Deukmejian administration were concerned that the bill was unfair to those who stayed on the job to the end of the governor's second term. Thus, the administration decided to ask for an exemption for those officials. The exemption was necessary, administration officials argued, because the law goes into effect on January 1, 1991 — one week before Deukmejian leaves office. Those who resign their posts on New Year's Eve would immediately be able to lobby; those who rode to the end of the term would not.

But arguing over one week ignores the reason for the rule in the first place. By passing this portion of the code, the Legislature declared that this kind of lobbying was unacceptable behavior. The Legislature did not say that the behavior was acceptable on December 31st and unacceptable on January 1st. It said the behavior was unacceptable.

So, what is the public to think about a subsequent action which seems to say, "Lobbying under these circumstances is unacceptable but not for these people over here?"

Deukmejian officials counter that it is unfair to officials who stay until the end of the governor's term. But once the governor signs this rule into law, whether the timing of it is fair or unfair to a particular group of people is irrelevant.

These controversies highlight the perpetual tension between the ideal of ethics reform and problems inherent in applying that reform to the pragmatic world of politics. To ease that tension, and to display a real commitment to improving government's ethical state of mind, there now must arise a kind of internal vigilance within government itself. Too many legislators are, as Edwin Epstein explained, "rule-driven," believing that the written word in an ethics code is all there is to ethical behavior. If it isn't illegal, by definition it must be all right, causing codes of conduct to replace an internal sense of right and wrong.

Leadership must step forward to emphasize that certain behavior is unacceptable, even behavior that may fall within the letter of the law. The Legislature, for instance, cannot tolerate another Joe Montoya. If legislative leaders tolerate a Joe Montoya — indeed, keep him in a sensitive position of power — they signal to society that it is okay to behave like Joe Montoya. They define the culture of the Legislature in terms of Joe Montoya.

Passage of a code of conduct may reduce some Montoya-like excesses. But the code also ratchets public expectations one more notch. Should those expectations not be met, the erosion of confidence in government may continue apace, causing the public to further disengage from interest in the affairs of government.

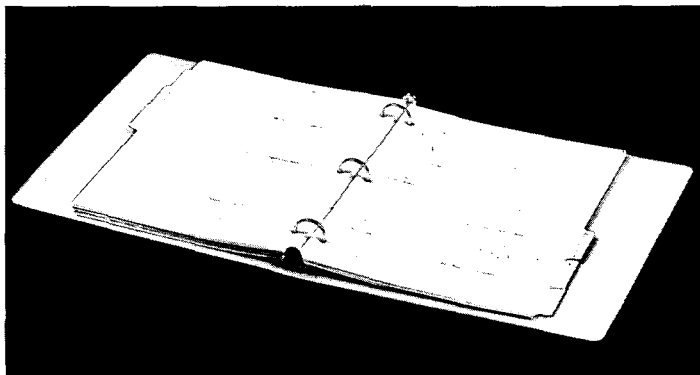
And therein lies the real danger.

"When you realize [Athens'] greatness, then reflect that what made her great was men with a spirit of adventure, men who knew their duty, men who were ashamed to fall below a certain standard."

— Pericles

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

A colossus astride Southern California

By Tom Waldman



Los Angeles has taken a fall. Long derided by outsiders, many of them secretly jealous, the city is now cursed by its residents. On all fronts, its reputation is sinking.

In many respects, Los Angeles — for that matter, Southern California — is visibly crumbling. The freeways are clogged catastrophes; drive-time radio talk shows log many calls from bored commuters playing with their mobile phones. With tougher auto-emission standards, smog has been slowly giving way to haze — but haze is in no hurry to leave, and is just as ugly. As the 1990s opened, Huntington Beach was sullied by an oil spill and sewage-ridden Santa Monica Bay was declared hazardous to swimmers.

Cynical and weary, Southern Californians appear less their smiling selves and more like New Yorkers. "People look around and say: 'This is not the Southern California I moved to many years ago,'" said Gladys Meade, director of environmental health for the American Lung Association of California. "Suddenly, it's too crowded, too congested, the air is not fit to breathe." And residents from all corners of the region are demanding that these problems be solved — not merely controlled, but eliminated. They hope that somehow paradise can be reclaimed.

Not that anyone agrees on specifics: For every cham-

pion of mass transit, there is a forceful and articulate detractor. People are confused because Southern California has apparently never had it so bad.

What has gained wide favor in the past year or so is the notion of a regional government to put things right. In recent months the idea has been supported by the *Los Angeles Times*, the Los Angeles Chamber of Commerce, the Assembly Office of Research in its "California 2000" series, and the LA 2000 Committee. Although no one seems sure what form this new body would assume, regional government makes no sense unless it takes a large cut of municipal government's action: development, transportation, planning, traffic congestion management and the like. Things must be bad: It wasn't too long ago that Ronald Reagan, a creature of Southern California, was wooing the country with his love for local control.

The South Coast Air Quality Management District's Air Quality Management Plan, approved by the AQMD governing board in March 1989, looks to many like a preview of supergovernment, Southern California style. The board, which consists of 12 members who are either appointed or elected by colleagues in municipal government, has put together a 20-year plan that goes beyond anything of its type.

Certainly the AQMD, created in 1976 with passage of the Lewis Air Quality Management Act, covers enough territory to fit the definition of regional government: Los Angeles, Orange, Riverside and San Bernardino counties. Most states don't have as many constituents. In addition,

legislation sponsored by Assemblyman Byron Sher, the 1988 California Clean Air Act, gave pollution-control districts new powers to control transportation.

By its sheer reach, the Air Quality Management Plan (AQMP) has become a prime exhibit in the debate over regional government. People can't talk about the one without at least mentioning the other.

Like a collection of children's stories, the photo that adorns the cover of the plan is all fluffy clouds and blue skies; a soothing scene that does not hint at the controversial recommendations inside.

The AQMP, in fact, is the third comprehensive air-quality plan offered by the district since 1977. For a host of reasons, plans proposed in 1979 and 1982 were never implemented to the intended extent. Some blame a lax air-district board, which has since been energized by its new executive officer, James Lents. Others, such as Mark Abramowitz, a leading Southern California environmentalist who now sits on the district's hearing board, cite the utter lack of interest by most local governments in implementing many of the difficult provisions. The second plan, certainly, was released at a time when cities were getting quite friendly with developers who came bearing promises of new homes, new shopping centers and plenty of sales tax to relieve the horror of Proposition 13. It proved difficult for city managers to accommodate both builders and environmentalists. Guess which side won?

The current plan came about as the result of a suit filed by Abramowitz in 1984 with the United States Court of Appeals for the Ninth Circuit, charging the administrator of the Environmental Protection Agency with failing to enforce the 1970 Federal Clean Air Act in greater Los Angeles. Each AQMD plan must be approved by the state Air Resources Board and, finally, the EPA. Abramowitz and the EPA eventually agreed to an out-of-court settlement, with clean air the terms.

Ugly skies were supposed to be gone from Southern California by 1987. The Federal Clean Air Act, even after several weakening amendments, had set that deadline 10 years earlier. But Southern California grew beyond all expectation, and by the mid '80s existing controls were no match for the increase in automobiles and stationary source polluters.

The new plan reclaims lost territory with a vengeance. In a break with America's recent history, the plan assumes that only the strong arm of government can handle a monumental social problem. In chapter 4, entitled "AQMP Control Strategy," there are separate sections covering industrial and commercial processes, surface coating and solvent use, motor vehicles and agriculture. Under the motor vehicles heading, the plan calls for adoption of 18 measures, including new diesel fuel quality standards, new Methanol-fueled buses and a program for smoke enforcement of heavy-duty vehicles. The AQMP calls for railroad electrification, emission standards for off-road motorcycles, control of emissions from ship-berthing facilities and control of emissions from utility equipment. Industry, individuals and local government will all have to change their habits.

As before, the AQMD will not be at all reluctant to fine

violators. Almost 90 percent of the district's budget, which now totals \$66 million, comes from fines and fees paid by stationary source polluters. A list of the top pollution penalties of 1989 makes the point: A company called Gary Lazar, California Target Enterprises of Downey, paid the year's biggest fine, \$355,000, for failure to maintain vapor recovery systems on gasoline tanks and pumps over a three-year period. Failure to submit AQMD-approved ride-sharing plans cost the May Company \$150,000, Sanwa Bank \$25,000, TWA \$25,000.

The district's stated goal is to attain federal and state health standards by December 31, 1996, for nitrogen dioxide; December 31, 1997, for carbon monoxide; and December 31, 2007, for ozone and PM10, which is the new EPA standard for total suspended particulates.

The plan is divided into three tiers: Tier I control measures are to be implemented in their entirety by the year 2000; tier II is both an extension and a more stringent appli-

cation of tier I standards; tier III programs involve long-term commitments to research, development and widespread commercial applications of technologies that may not yet exist but, in the language of the plan, "may be reasonably expected given the rapid technological advances experienced over the past 20 years."

The tier I measures leave few aspects of Southern California life untouched. These include further emission

reductions from graphic art operation, control of emissions from oil field steam generators, use of clean fuels in new fleet vehicles, control of emissions from livestock waste, alternative work weeks, and flex-time and employer ride-share and transit incentives. Local governments would be responsible for implementation of these last measures, plus several others.

Even with all the requirements, the AQMD believes it is being quite reasonable, given the filthy air that still hovers over the basin. "When I'm saying people can save energy, for example," said Larry Berg, a USC professor who is Assembly Speaker Willie Brown's appointee on the board, "I'm not saying we all have to use outdoor toilets or burn candles. Most of what we are talking about will have a relatively small impact on daily life."

Many Southern Californians, in fact, probably stand with Berg on the environment. Two years ago Los Angeles voters denied Occidental Petroleum the right to conduct more offshore drilling, while Proposition 65, which requires businesses to post labels warning of toxic hazards, was approved by a majority of Californians in 1986.

The AQMP tests this commitment: Tier I alone contains 70 different requirements for cleaning the air. Tier II also asks much. In the language of the AQMP: "To attain the reduction goals of Tier II by 2000, numerous agencies in addition to the district would need to agree to develop and follow demanding implementation schedules. These agencies may need to seek additional legal authority and resources to carry out these activities for which they would be responsible ... Growth management measures may be implemented both by local governments and, potentially, by regional organizations [e.g., district, Southern California Association of Governments]. Local transportation commissions and Caltrans would need to propose and coordinate

"I'm not saying we all have to use outdoor toilets or burn candles. Most of what we are talking about will have a relatively small impact on daily life."

— Larry Berg

transportation infrastructure improvements."

For local government, the prospect of sharing the managing of growth is most ominous. If there is anything city councils like to control, it's development. Introducing regional authorities to that relationship would no doubt drive mayors crazy. The AQMD may already have crossed the line. Earlier this year the district issued an 11-page analysis critical of the \$2 billion Porter Ranch project — the largest single mixed-use development in the history of Los Angeles — because of its potential for fouling the air. It was the first time the AQMD had delivered an opinion on a particular project.

This step was fine by environmentalists, who wish the AQMD had expanded its role sooner. "Local government has been a major obstacle in the battle for clean air," said Abramowitz. "You just have to look at its record in implementing the previous [AQMD] plan."

Nobody says the air over Los Angeles is clean. Cleaner maybe, but not clean. Yet the size and scope of the AQMD plan, coupled with its implied criticism of local officials, has enraged some mayors and city council members. One of the more indignant is Mayor Jerold Milner of Glendale. With 200,000 residents, it is the third largest city in Los Angeles County. In language that smacks of 1776, Milner castigates agencies — especially the AQMD — that wield power "witho it any direct representation on the part of the people."

Milner got so mad about the air-quality plan that earlier this year he ran for the post of L.A. County eastern region cities representative on the AQMD board. He attributes his loss to a lack of strong ties with fellow city officials. A self-described political conservative, Milner's objection to the plan is nonetheless more than just a dispute over political theory.

Among other things, Glendale would be required to make expensive changes to comply with certain requirements. "If we do what the Air Quality Management District says we have to do, it's going to cost us \$50 million to put an exhaust cleansing system on a power plant that serves the city," said Milner, who thinks there is a better way. From the mayor's point of view, even more upsetting is the political heat that will be generated by compliance. "When we increase the electric rates for the consumers — the people of Glendale — to pay for a \$50 million, non-productive addition to that power plant, they are not going to be mad at the AQMD. They are going to be mad at me or the other council members." But the AQMD's resolve to clean the air leaves Milner and others in local government little choice. Defiance will most likely mean stiff fines.

Milner's most powerful ally is probably Los Angeles County Supervisor Mike Antonovich, whose conservatism is often expressed in blunt, even crude, terms. Antonovich, the County's representative on the AQMD board, joined Henry Wedda, cities representative for Orange County, as the only votes in opposition to the plan. Antonovich casts the larger debate in terms of an epic struggle between conservatives and their traditional foes: "Scratch a liberal and you find a despot," he says. The supervisor is disheartened that the AQMD's power is growing at the exact time Eastern Europe has reected en masse central authority. There is, says Antonovich, something wrong with this picture.

Aside from arranging for conservative academics to come before the supervisors and blast regional government, there is not much Antonovich can do except issue warnings. "If regionalism is the wave of the future," he says, "then we might as well transfer all our problems to Wash-

ington D.C. and let the people there solve them." Milner raises the specter of "totalitarian control" exerted from the same centralized power. Either way, it means less work for city councils.

An emboldened AQMD could someday be fatal to the Southern California Association of Governments, celebrating its 25th birthday this year. SCAG, which represents some 175 cities spread over six counties, came into being when major problems of traffic, smog and overdevelopment were first recognized. At the time, SCAG was the only agency of its kind; now it shares the stage with the AQMD, Coastal Commission and assorted others. Gilbert Smith, SCAG's director of government and public affairs, makes a clear distinction between his group and the AQMD. "We are a comprehensive planning agency, they are a single purpose agency." A resolution passed by SCAG's executive committee in April 1989 committed the agency to work with local governments in "the conformity and monitoring processes associated with transportation, land use and energy conservation control measures of the adopted 1989 Air Quality Management Plan." SCAG's directors of transportation, environmental planning and community and economic development played key roles in preparing the AQMP.

Still, SCAG is worried. With the AQMD now requiring that cities implement flexible work hours, transportation services for the elderly, traffic light synchronization and modified zoning ordinances, Smith's neat distinction is blurred. In early January the agencies adopted a memorandum of understanding that attempted to clarify where one's responsibilities ended and the other's began. The document gives SCAG the lead role in working with local governments to implement relevant portions of the plan. SCAG has issued its own summary of the plan — bigger than the actual document — that is being distributed to cities, many of which have not yet given the AQMP a thorough reading. "The district has not always sent out enough information publicly so that everyone could get a handle on what's going on," said Smith.

Business is comparatively sanguine about the growing prospects for regional government, although at the same time it has a number of objections to the plan. Ray Remy, president of the 2600-member Los Angeles Area Chamber of Commerce, which serves Los Angeles, Orange, San Bernardino, Riverside and Ventura counties, would have

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left it to the market to determine the best alternative fuel, where the plan already decided in favor of Methanol. And there is the larger question of the rising costs of permits, which companies in the AQMD's jurisdiction must acquire to build, alter and run equipment that either causes or controls air pollution. "We have examples of firms that, for the right to operate in our basin, paid \$20,000 three years ago for a permit. Now that same firm doing the same business, actually putting less pollutants in the air, now pays over \$300,000 for a permit."

These complaints aside, however, Remy understands that the air has got to be cleaner. On that point he makes two observations that one does not often hear from industry. "If we didn't have an Air Resources Board, if we didn't have an air quality district, would business still be as attentive to this problem? No." Remy also sees an advantage in the sometimes-costly changes companies must make to meet pollution-control standards: "Some of our manufacturing plants that have been forced to make improvements and investments in terms of air quality now find that the technologies they're using, the strategies they're using, are of interest to other foreign, industrial countries that are experiencing serious pollution, such as Japan and Mexico. We may have invested in some materials that will become an exportable product."

Earlier this year the Los Angeles Area Chamber invited Steven Thompson, director of the Assembly Office of Research, to discuss regional government. The AOR, in its California 2000 booklet, "Getting Ahead of the Growth Curve: The Future of Local Government in California," endorses a blue-ribbon commission to set growth policies in California and a regional development and infrastructure

agency in each of the state's air basins. Along with these recommendations, the report is extremely critical of municipalities in California. "The structure of local government clings to the ideal of self-governing, locally-controlled communities, reinforces the divisive effects of the state's fiscal structure and organizational means devoted to problem-solving and the increasing scale of growth-related problems."

For the last several elections, conservatives everywhere have successfully exploited the idea that the private sector prefers big profits and small government. Yet Thompson's message was well-received by the chamber — an indication that the Southern California business community is rethinking this philosophy. Under the right conditions, regional government, in effect more government, is just fine.

To someone like Larry Berg, it's obvious that California's system of government, like its freeway overpasses, is in need of structural repair. "It's a process set up 140 years ago to meet a population of zip," he said. "We need to re-evaluate."

Dirty air is the ideal issue to set government on a new course. Pollutants have a bad habit of ignoring boundaries. A factory in one city can cause watery eyes and burning lungs in 10 others nearby. It would seem that isolationism is not an option and that any solution must come from the Southern California family.

If it gains popular support, the movement toward regional government will represent nothing less than a rejection of the Reagan line: Hundreds of little governments will not clear the freeways or air. Everyone agrees that Southern California has big problems. The question is whether they will also agree that only big government can solve them. 🏠

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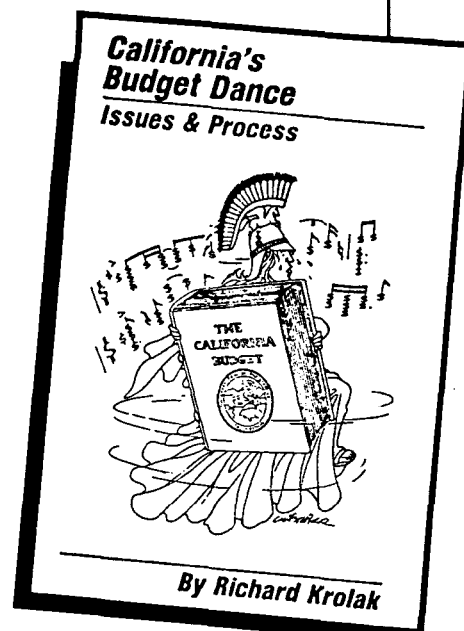
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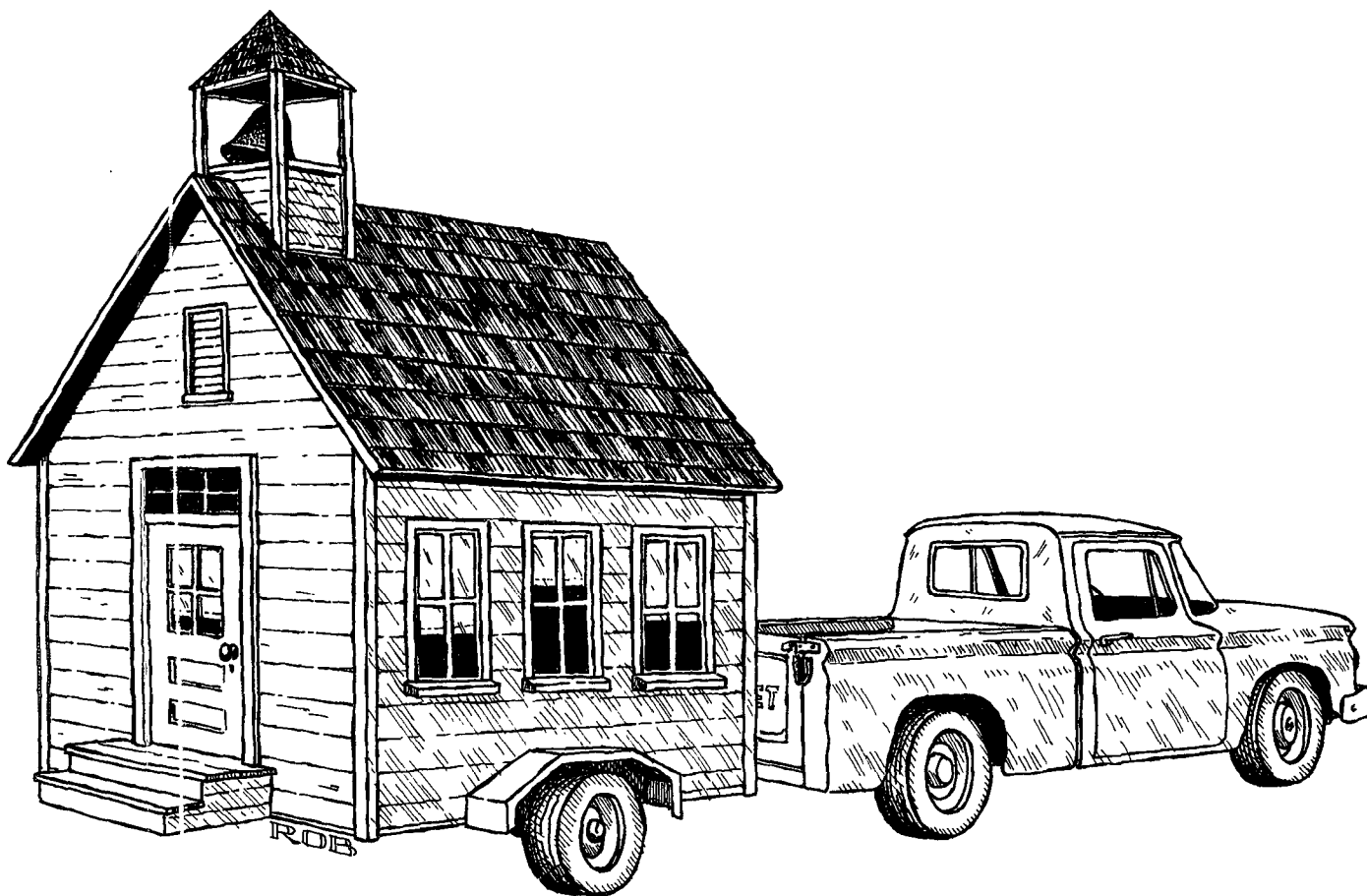
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Mixed results from migrant-education programs

By Michael Doyle

Ask the children of California's farm workers about migrant education, and you'll hear words of praise.

"When I first came from Mexico, I couldn't speak any English," says Maria Ramirez, who moved to the southern San Joaquin Valley with her family when she was nine. "By the end of the year, I could communicate with a teacher who didn't know any Spanish."

Now a freshman at the University of California, Berkeley, Ramirez says it was the federally funded migrant-education program, and her parents' own emphasis on schooling, that helped propel her to higher education. As the child of itinerant farm workers, Ra-

miraz learned English in Fresno County's schools from migrant-education teachers; when she needed glasses, federal funds helped pay for those, too.

"I think it would have taken a lot longer to learn the language, and maybe assimilate into the society," Ramirez says. "I was able to do many things that I couldn't have done otherwise. I think it's a great program."

Lawmakers, state and local officials and front-line teachers largely join Ramirez in praising migrant education, which has distributed \$3.6 billion since Congress created it in 1966.

Between them, California and Texas schools get about half of the migrant-education funds. Traditionally Hispanic, but with an increasing number of Southeast Asian refugees, the approximately 515,000 students now identified in the migrant-education

program are sometimes said to be among the neediest in the country.

For all the praise, however, migrant education remains a bit of an enigma nearly a quarter-of-a-century after its birth.

"There is little evidence ... that the compensatory services offered by the migrant-education program are going to the truly migrant children," educator Dr. Ben Cameron warned in a 1981 evaluation.

The Reagan administration's budgetary indifference to migrant education through the 1980s didn't help, either. In 1980 the migrant-education program spent an average of \$630 per student. In 1989 the program's \$271 million budget amounted to \$528 per pupil.

And striking at the program's very reason for being, there are unanswered and maybe unprovable ques-

Michael Doyle is a reporter in the Washington, D.C., bureau of McClatchy Newspapers.

tions about whether migrant education actually works. The most comprehensive study of migrant education's effectiveness, released in 1981, could not prove a cause-and-effect connection between enrollment in the program and academic achievement. The five-year study by the Research Triangle Institute of North Carolina specifically concluded that there was no "consistent, significant relationship" between student performance and migrant-education programs.

"The bottom line on any impact study is always that you're not going to find substantial improvement," study author Cameron says.

Cameron stresses that his subjective view is that migrant education is worthwhile; it may be impossible, however, to tease apart migrant education from a myriad of other health-and-welfare programs that can boost school performance. This evaluation problem, certainly not unique to migrant education, makes it much harder for policy-makers to decide whether to reform the program, upgrade it, or scrap it altogether.

Even the efforts to track effectiveness can cause problems. The General Accounting Office, in a 1979 report, warned that the migrant-education program's effectiveness simply could not be evaluated nationwide. After spending \$480,000 on a 1977 evaluation, the congressional watchdog agency noted, California officials still didn't think they had the right information to improve their performance.

There are, to be sure, suggestions that something is working. For instance, researchers in New York two years ago estimated that the drop-out rate for migrant students stood at about 45 percent. While higher than for the nation as a whole, this was down from a 1974 estimate of a 90 percent drop-out rate. Likewise, a 1988 study by Decision Resources Corporation found improvement in math and reading test scores among students who had participated in migrant education.

"We do find migrant youngsters, as a group, to be better off than they were 10 years ago," said Dr. John Staehle, formerly head of the Office of Migrant Education.

But Congress is so convinced that migrant education works, and so loathe to change the status quo, that it has steadfastly resisted the entreaties of independent investigators who say the funds are missing their mark. Consequently, the program is working less well than it should.

"It is essential that the funds be directed to the pupils who have suffered the greatest educational impairments as a result of their migrancy," wrote Mitchell Laine, assistant inspector general in the Education Department. "The present system is not succeeding in properly targeting the available funds. For that reason, the system needs to be changed."

Laine's comments accompanied a December 1987 audit report that found "systematic" problems in the allocation of migrant-education funds. The report cited overwhelming evidence that the money wasn't helping the neediest children — the highly mobile ones that Congress had in mind when it established migrant education.

"These children follow their parents across the nation from state to state, season to season," Congressman Lloyd Meeds of Washington said in October 1966 in one of the typical congressional comments during the original migrant-education debate. "In fact, they are averaging between two to six weeks of education in any one spot in this nation."

This spectre of disrupted schooling pervaded the debate, and Congress specified that the funds were to help "migratory children of migratory agricultural workers."

Congress expanded the program in the 1970s, offering the "formerly migratory" several years of assistance. Soon, this category became the most dominant. By 1987 the GAO found that 53 percent of migrant education students had either moved during the summer when school was not in session, or their movements had stopped before they reached school age.

The family of Maria Ramirez, for instance, would travel with the summer harvest when she was growing up. By the time school started, she would be back in the valley town of Parlier and attending the same school she was at the year before. Under the rules, Maria could be counted for migrant-education monies.

"That isn't money misspent," insists Congressman Bill Goodling, a Pennsylvania Republican and a member of a new migrant-education commission. "Those youngsters still need an awful lot of help."

Poverty, poor health care and missing language skills should still be addressed by federal assistance, whether or not the term "migrant" still applies, Goodling and others correctly point out. Nonetheless, by all accounts, the most mobile children are

the most needy. Unfortunately, these children are also the most difficult to find and fold into the educational system.

Cameron cited a "divergence" between what Congress intended and the current program, and said that money should be redirected toward the "truly migrant." Much the same point has been made repeatedly by other observers, including both the General Accounting Office and the Education Department's inspector general's office.

The Reagan administration, to its credit, tried to shift the flow of funds along the lines of Cameron's recommendation. In 1982 Education Secretary Terence Bell proposed tightening the rules so that only pupils whose education had been disrupted in the last 12 months could be considered "currently migratory."

The proposed reforms went nowhere.

Changing the way that migrant-education students are counted could mean less revenues for some states, like California. Lawmakers, as a rule, don't like to make those kinds of changes. The fact that a California Democrat, Congressman Augustus Hawkins, chaired the House Education and Labor Committee through the 1980s did not enhance the likelihood of change. During the Reagan years, Congress twice wrote into law a prohibition against changes in the migrant-education eligibility rules.

"Doing a formula is always the cute trick around here," Goodling admitted.

There have been other problems in figuring out which students should be eligible for migrant-education aid.

In 1982 Education Department auditors determined that \$24.8 million in migrant-education dollars given to California between 1980 and 1982 went for ineligible students. The money represented about 16 percent of all migrant-education funds given to the state in those years. California fought the federal government's efforts to retrieve the money, arguing that the "bean counter approach" required by federal officials would have unfairly excluded needy students. In October 1987 the U.S. Ninth District Court ordered the state to pay back \$10.3 million. Two months after the court ruling, the Education Department's inspector general disclosed that California's problems were shared nationwide.

The new audit revealed that 23

percent of the students reviewed in 39 states had not been eligible for the assistance they had received. As in California, the problems were varied: Students were counted even though there was no proof they had ever moved at all, or they had parents who were not employed in seasonal or temporary agricultural jobs as the law requires.

Despite their steady refrain, the audits and internal investigations met with resistance. The attitude of some was summed up in congressional testimony in February 1983 by Frank Contreras, head of the National Association of Directors of Migrant Education.

"Here come the auditors, trying to find data to show how the program is not serving the eligible population," Contreras told a House subcommittee. "They take one look at the registration cards and think they have a case because there is ambiguity in the regulations. Then we are involved in the next decade in paper work, hearings and travel to the capital."

A new 12-member National Commission on Migrant Education might help clear away some of the brush. Its lengthy agenda includes touchy items like the relationship between formerly and currently migratory students, and the nationwide record-keeping system that's supposed to track the movement of migrant students from state to state. The Commission has three years and \$2 million to do its job.

At the very least, Commission Chairwoman Linda Chavez says the Commission "can serve to educate the public about the needs of the migrant students." Beyond this, some more substantial proposals for change exist.

Ben Cameron, who spent five years studying the program, suggested one. Officials, Cameron said, should simply acknowledge that migrant education and the population it serves have both evolved. The people picking America's crops are more likely to stay put during the school year; they may be poor, and their children may need help, but they're a different population than existed in the 1960s. Perhaps, he says, the time has come to remove the misleading title of 'migrant education,' while still providing aid.

There remain, of course, some families that still move with the seasons. For these, whose need is greatest, some renewed efforts and perhaps some congressional flexibility may be needed to find others like Maria Ramirez who are now slipping through the cracks. 🏠

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California's shotgun approach to helping the homeless

By Beth Gaston

A panhandler asks for change. A family lives in its car. An "abandoned" building has makeshift curtains — an old sheet tacked over a broken window. A man sleeps in a cardboard box under a bridge.

These are not isolated incidents; in California, between 100,000 and 250,000 people are homeless. They either live on the streets, in abandoned buildings, or sometimes in shelters or in cheap hotels.

The problem persists despite the money, time and effort spent to help. The homeless are not ignored. California spends more than \$780 million annually on programs for the homeless. However, the homeless population is so large and diverse that individuals need more than roofs over their heads; they need different kinds of help. People need to regain stability and to learn coping skills to prevent their becoming homeless again.

Who are the homeless? May these

people be grouped into a single classification when often their only common denominator is the lack of a place to live? And, what is society's duty to these people?

One-third of the homeless are mentally ill; some are drug or alcohol abusers; some have never been helped for childhood problems such as abuse or unstable homes; and some are hard-working poor made homeless by an emergency. Many have multiple problems.

The problem is compounded by government's shotgun approach to helping out. For example, there is no single organization responsible for overseeing the various programs. In California, the homeless can get help from 16 specific programs in 10 state departments under the direction of six agencies. And this does not include state benefit and rehabilitation programs that keep others from becoming homeless, according to a report issued by the Commission on California State Government Organization and Economy (Little Hoover Commission). In addition to state programs, there are local efforts, private foundations and federal aid, which often bypasses the state level and goes directly to cities

and counties.

Isao Fujimoto, Lecturer of Applied Behavioral Sciences at University of California, Davis, explains why the approach to help is so fragmented:

"We need to look at any issue from two different levels, and we don't seem to be seeing both. We need to look both at what's up front and at the causes of what we see, which extend beyond the homeless. On the surface, we see people are hurting, and the response is to help out with lodging, food or whatever.

"Most of us don't think: 'What's the real cause?' The cause goes beyond the individual. ... In the last 10 years there have been cutbacks insensitive to the needs of people, such as a decrease in low-income housing, loans for homes, jobs, corporations leaving people stranded. All of our solutions depend on what kind of questions we ask."

A public policy statement issued by John Ochoa, executive director for the Greater Los Angeles Partnership for the Homeless, echoed Fujimoto: "In short, we do not have a homeless problem. We have a governance and public policy problem."

State government programs tend

Beth Gaston, a reporter with the Fontana Herald-News, wrote this story while serving as a California Journal intern.

to treat individual symptoms rather than the causes of homelessness. The resulting lack of cohesiveness is evident, especially to those who desire help.

When Kathleen Johnson, project editor at the Little Hoover Commission, began investigating what resources are available for the home-

is under the jurisdiction of an entirely different agency — Business, Transportation and Housing.

Programs for homeless people can be divided into three categories: emergency, transitional and permanent. For effective aid to the homeless, all three levels must be present and readily available.

armories can be used to shelter the homeless.

The use of armories as supplemental shelter is coordinated through the State Office of Emergency Services. "We're treating this as an emergency. We feel that if someone is dying in the cold, that's an emergency," said Bev Passerello, legislative liaison and volunteer coordinator for the OES.

Transitional housing is of a longer duration than the emergency shelters. While people are in transitional housing, they can look for jobs and learn career and home-making skills.

Finally there's the step of setting people up in permanent homes, hopefully under such conditions that they won't slip back over the brink into homelessness. Programs are also now available through state funding to help people with bulk payments when they first move in that cover items such as first and last months' rent, security deposits, and utility hook-up fees. But inexpensive housing and a sufficient, steady income are necessary for people to get and keep a home.

Many areas are missing one or more steps, or there is no coordination among them. For example, a person in an emergency shelter may not be told of transitional aid — where and how to get it. Johnson said that of the three



less, she found that a homeless person in Sacramento would have to fill out 50 different forms in eight different locations to get aid. In some regions, as many as 70 forms from a dozen locations are required. The forms themselves are often complicated and confusing, said Johnson, who added that the homeless "often don't cope" and lack the skills necessary to even fill out the forms. And with no transportation, many of the needy have problems merely gathering the necessary paperwork.

"The problem is the money comes in from diverse sources and doesn't get filtered through one funnel," said Johnson. In 1985 the state Health and Welfare Agency was designated by Governor George Deukmejian to be the lead agency, but agency officials complain about a lack of responsibility "because a lot of the money doesn't go through them," said Johnson.

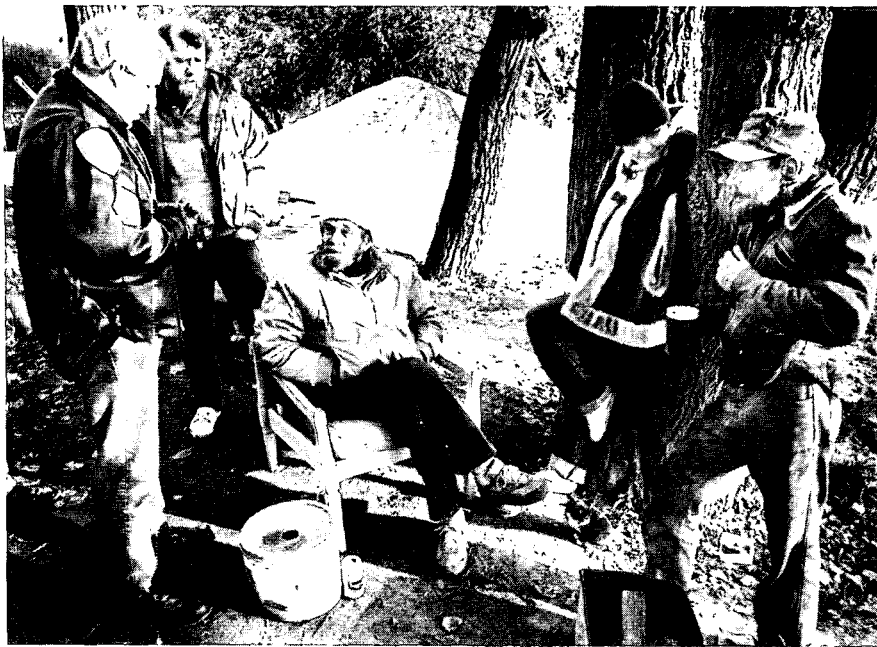
To further complicate matters, Health and Welfare has many programs to help homeless people find shelter, jobs and food, but it is not responsible for things like shelters, transitional housing programs and low-income housing. They come under the purview of the Department of Housing and Community Development, which



Emergency shelters get the homeless off the street for the night, which is particularly important in bad weather. Shelter programs are run with state, federal and local money. When local shelters are full, and the temperature is 40 degrees or below, or raining and 50 degrees or below, National Guard

phases, most effort has gone into emergency shelters, and the least into inexpensive long-term housing. Money and attention has been paid to solutions of the immediate need, but not the underlying cause.

"You can put someone in the shelter, get them off the streets, and



pat yourself on the back," she said. "But in two weeks, or whenever they have to leave the shelter, they're back on the streets."

The imbalance of aid is partly understandable, she explained: "This [the homeless problem] was approached as a crisis, so you treat the immediate need. But homelessness has been a problem for 10 years now — we need to treat the back end too."

To coordinate aid, the Little Hoover Commission has suggested making a single agency — Health and Welfare — responsible for the problems of the homeless. In conjunction with the increased responsibility, the agency must also be given enough power to effectively direct other programs and state departments.

Maggie DeBow of the Health and Welfare Agency believes the disorganization of homeless services is due to the way money is distributed. "When the federal government makes funding decisions, they don't know where the state is sending money," she said. "And the same goes when we make funding decisions: We don't know where the federal government is sending money. Even if we had the power, it would still be a problem to get the money out in a rational fashion."

DeBow suggested the only way to rectify the problem would be for the federal government to grant funds to the state, and the state to establish a central agency to distribute funds. But such a system would add yet another layer of bureaucracy to an already cumbersome system.

Julie Stewart of the Department of Housing and Community Develop-

ment echoed DeBow, blaming the fragmentation of programs on the diverse financing methods. The federal McKinney Act, and other sources of money, grant money for specific, narrow programs. It is difficult to get a block grant for a large, comprehensive program.

To coordinate aid to the homeless, the Little Hoover Commission also has proposed centrally-located intake centers to be under the coordination of the Department of Housing and Community Development.

Ideally, these centers would pro-

vide emergency shelter as well as information and aid by trained welfare workers. The workers should be specially trained to identify problems and know the gamut of aid available.

Last year a bill authored by Los Angeles Democratic Assemblywoman Gwen Moore would have provided \$100,000 seed money for each county for intake centers. The bill was held up due to the extensive cost — \$5.8 million — and a compromise to limit the centers only to the larger counties is currently being considered.

But homelessness persists, and is possibly even increasing.

DeBow said, "My own sense of it over the past 12 to 15 months is that it's increasing faster than the past two years." She bases her statement on personal observations in Sacramento, San Francisco, and Los Angeles' Skid Row.

DeBow, the Little Hoover Commission and the Department of Mental Health suggested many reasons for this.

"I think we've had an escalation in drug and alcohol problems, particularly drugs. Many homeless have problems with one or both," said DeBow. Addicts often cannot hold jobs, or use meager finances to buy drugs or alcohol instead of paying rent. Once a person becomes homeless, drugs and alcohol often become a coping mechanism.

The breakdown of the traditional family is another contributing factor,

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said DeBow. In this modern age, single parents may not have the support of friends and family to help them in a time of need. Such a support system is one of the major differences between those who are merely poor and those who end up homeless. At least 40 percent of the homeless are either families or women with children, and this is the fastest growing segment of the homeless population.

According to the Department of Health Services, the aging population also contributes to the homeless problem. Social Security is often not enough to live on, especially if a person needs to pay medical bills or even simply eat a special diet, which may be expensive.

Finally, movement to remove as many people as possible from mental institutions, begun when Ronald Reagan was governor, has resulted in some ending up living on the streets, according to Health Services. The Little Hoover Commission suggests that the definition of those "gravely disabled" — interpreted to mean those unable to provide their own needs for food, shelter and clothing — be expanded to include those who without treatment would likely deteriorate to that point.

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California has more than its share of homeless. People migrate here for a variety of reasons, not the least of which is the state's climate. California's mostly dry, warm weather is more hospitable than that of many other states.

The variety of reasons people become homeless only makes finding cures more difficult. "These people are homeless because they have problems and if you don't treat them, they get back on the street," said Johnson.

Besides treating the individual problems of the homeless, California must also solve some underlying issues — inexpensive housing and adequate jobs. The Greater Los Angeles Partnership for the Homeless urges: "Our subsequent research challenges the community to address homelessness at its root causes What is clearly indicated is an urgent need for effective, empowered public policy and long-term regional planning, not only to correct inequities which affect those already homeless but to prevent the escalation of this crisis."

"People with minimum-wage jobs, even with two people working — especially with kids — cannot pay rent," said DeBow. The report, "California

Children, California Families. Over the Brink: Homeless Families in Los Angeles," prepared by the Assembly Office of Research, found that the poor and homeless spend more than 50 percent of their income on housing and utilities.

Low wages combined with the high cost of housing, aggravates the problem. The Little Hoover Commission Report stated that the cost of rent in several representative California cities is beyond the means of the working poor, those on welfare and Social Security.

And, the rapid population growth of the state, combined with slow-growth movements and restrictive zoning, pushes housing prices ever higher. It's not simply a lack of housing that is the problem — the Little Hoover Commission estimated that there were more vacant units than homeless in the years between 1980 and 1987. But the cost of these homes and apartments is out of reach for the poor.

"If what we see is the surface, then it's easy to see the victim and blame the victim," said Fujimoto. "We get bogged down with this when people in power — the policy-makers in the background — should be the focus." 🏠

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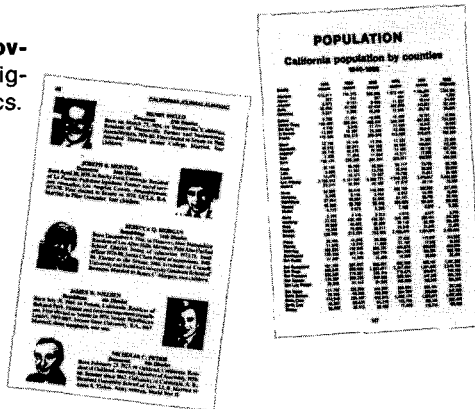
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The luster is off the California model

By Richard Zeiger



In the 1960s the late Jesse Unruh was in the forefront of a movement to "professionalize" state legislatures. The tenets were simple: Provide state lawmakers with more staff, better working conditions and adequate salaries. They then would be free from dependence on special-interest lobbyists or governors and become a truly co-equal branch of government.

California led the way, and the Legislature, under Unruh, produced a flurry of progressive laws that were the envy of statehouses throughout the nation. The reforms Unruh instituted, known as the "California model," were widely copied elsewhere.

But the changes also had unintended consequences, and California — still farther along the track than other states — is no longer viewed as a shining example. Now what light we shed is viewed more as a warning beacon: Go that way and you will crash upon the rocks.

The sins of the California model, as outlined at a recent conference of state officials sponsored by Rutgers University's Eagleton Institute of Politics, are many. All, however, are rooted in the notion that as legislatures became more professional, the legislators themselves became professionals. The notion of "citizen-lawmakers," who would

perform a stint of public service in the capital and then return to their homes and their real jobs, was replaced by individuals who were making a career out of holding political office.

In a paper prepared for the conference, Burdett Loomis, a professor at the University of Kansas, notes that legislatures are "increasingly being populated by full-time, professional politicians whose well-being is directly tied to their success in their legislative careers." He notes that the number of state lawmakers who identify themselves as "full-time legislators" has increased four-fold in the years between 1976 and 1986, and even that figure "seriously underrepresents the number of full-time legislators."

The jobs have become valuable sinecures, and officeholders are preoccupied with keeping themselves in office. It's a task that comes before worrying about passing laws. As a result, legislators gradually transformed the tools called for in the California model into devices that could help win elections. Their staff mutated from non-partisan policy experts into political operatives whose real expertise was furthering the political ambitions of their bosses. Lawmakers spent more time worrying about elections, and less about the job of passing laws. They discovered they would

raise money for campaigns from the groups that came to lobby at the Capitol, and the cost of running for office quickly expanded when they figured out that the person with the most money to spend, more often than not, would be the winner.

The advantage of incumbency made it easier for sitting legislators to hold on to office. But even though turnover dropped, the lack of serious challengers did not free lawmakers to vote their consciences. Rather, it resulted in a lack of political courage on the part of legislators who were nonetheless preoccupied with retaining their positions and were unwilling to take risky stands that might offend voters or big contributors. Furthermore, they were unwilling to risk a run for higher office, if that might jeopardize their current position. To run and lose meant to become unemployed.

Legislative leaders found their ability to control the process diminished as individual legislators learned to develop their own power bases, raise their own money, and reduce their dependency on the weakening political parties. They could no longer use their political muscle to force recalcitrant colleagues to go along with leadership's policy decisions.

Furthermore, as "careerism" becomes more dominant among legislators, lawmakers are looking for ways to distinguish themselves from their colleagues so that they may advance through their chosen profession, which can in-

clude putting pressure on legislative leaders to provide them with plum committee assignments and staff that can be used to increase their own viability.

Lawmakers discovered that while they may be individually popular in their own districts, the Legislature as a whole was not popular with voters. They could follow the example set by Ronald Reagan and others and run for election by complaining about the very institutions of which they were a part.

And in states like California that have the initiative process, lawmakers even moved outside the legislative arena, joining those who saw more hope of passing legislation by going directly to the voters rather than dealing with a fractionalized and uncertain legislative process. At the same time, sponsoring initiatives became a way for individual lawmakers to further distinguish themselves from their colleagues and perhaps advance their political careers.

Use of the initiative became a vicious cycle. It was needed because the Legislature refused to act. But lawmakers were unwilling to act, particularly if that entailed political risk, because divisive issues were headed for the ballot anyway. The increased use of the initiative further eroded the ability of leadership to shape state policy, and as the leadership becomes weaker, it is still harder to gain consensus on important issues.

The failure of state legislatures to come to grips with

BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,178 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal that contains a full explanation of each measure. The full texts of all initiatives may be obtained from the Secretary of State's election division, 1230 J Street, Sacramento CA 95814.

New in circulation:

FIREARMS REGULATION — an initiative statute, sponsored by Kevin Patterson of Camino, that would prevent the Legislature or any other governmental agency from enacting any bill or ruling to restrict, regulate, ban, prohibit or limit firearms, firearms components, ammo, ammo components or firearms accessories without a confirming vote of a majority of the people. This includes the sale, transfer, manufacture, possession or lawful use of firearms. The effective date would be January 1, 1989, causing some laws on the books to be placed before voters. The initiative also repeals specified gun legislation, repeals and invalidates legislation, regulations and/or judicial rulings contrary to the intent of the measure, without regard to enactment date. (September 20th)

Continuing in circulation:

DRUG ENFORCEMENT AND PREVENTION. TAXES. PRISON TERMS — an initiative statute sponsored by Lieutenant Governor Leo McCarthy. (May 17th, February 1990 CJ)

REAPPORTIONMENT BY COMPUTER FORMULA — an initiative constitutional amendment sponsored by Ken Gow of Whittier. (May 21st, February 1990 CJ)

GAMING COMMISSION. SPORTS WAGERING — an initiative constitutional amendment and statute sponsored by Democratic Assemblyman Richard Floyd of Gardena. (May 29th, February 1990 CJ)

HEALTH CARE COVERAGE — an initiative constitutional amendment sponsored by the chairman of California 2000, Michael Weinstein of Los Angeles. (June 11th, March 1990 CJ)

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS — an initiative constitutional amendment, sponsored

by William Sullivan of San Ramon, Judi Haderer of San Bruno, and Tom Mezger of Yolo. (June 18th, March 1990 CJ)

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS. MISUSE OF PUBLIC FUNDS — an initiative constitutional amendment, sponsored by Lee Phelps of Aptos. (June 18th, March 1990 CJ)

TERMS OF OFFICE. LEGISLATORS' RETIREMENT. LEGISLATIVE OPERATING COSTS — an initiative constitutional amendment sponsored by Los Angeles County Supervisor Pete Schabarum, and by J.G. Ford Jr. and Lewis Uhler of Loomis. (June 18th, March 1990 CJ)

TIMBERLAND ACQUISITION. BOND ACT — an initiative statute, sponsored by Patrick Shannon of Willow Creek. (June 18th, March 1990 CJ)

PRISON INMATE LABOR. TAX CREDIT — an initiative constitutional amendment and statute, sponsored by Governor George Deukmejian. (June 21st, March 1990 CJ)

HOUSE OF COMMONS — an initiative constitutional amendment, sponsored by Eric Jacobson of Los Angeles. (June 21st, March 1990 CJ)

COMMISSION ON CIVILIAN ECONOMY. APPROPRIATION. TAX DEDUCTION — an initiative statute, sponsored by Lila Garrett, Suzanne Marks and Ronald DiNicola of Los Angeles. (June 21st, March 1990 CJ)

CRIMINALIZED DRUG LAWS — an initiative statute, sponsored by Thomas Neece of Redwood Valley. (June 29th, March 1990 CJ)

MARIJUANA — an initiative statute, sponsored by Thomas Neece of Redwood Valley. (June 29th, March 1990 CJ)

REAPPORTIONMENT BY LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW — an initiative statute and constitutional amendment, sponsored by Wade Bruce Lee II of Sacramento. (July 2nd, March 1990 CJ)

REAPPORTIONMENT BY LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW — an initiative constitutional amendment, sponsored by Richard Noble of Los Angeles. (July 2nd, March 1990 CJ)

STATE ADMINISTERED AUTO INSURANCE. AUTO CLAIMS COURT — an initiative constitutional amendment, sponsored by Voter Revolt and its executive committee (including Proposition 103 sponsor Harvey Rosenfield). (July 9th, April 1990 CJ)

CHILDREN'S SERVICES. APPROPRIATIONS. SURTAXES — an initiative constitutional amendment, sponsored by Bill

difficult problems has been reflected in opinion polls, which have shown a steady erosion of public confidence in state legislatures. In California, for example, the percentage of people having a favorable opinion of the Legislature has declined from 65 percent in 1968 to 36 percent last year.

Karl Kurtz, of the National Conference of State Legislatures, argued to the Rutgers symposium participants that maintaining confidence in legislatures is important.

"If legislatures do not have a certain minimum level of public support, laws will not be obeyed; the institution will be bypassed routinely by executive fiat, court order or voter initiative In short, public support provides legitimacy to the institution."

But if the public is unhappy with legislatures as institutions, that apparently does not extend to the lawmakers individually. Most polls continue to show members of the public happy with their own representative.

Kurtz explains, "The legislator has a friendly face, a human identity. Most legislators provide services to their constituents and community, and all of them are past masters at hiding or explaining their unpopular votes and taking credit for popular legislation. The legislature, on the other hand, is a faceless institution that raises taxes or cuts back services. The legislature, an anonymous abstraction, can be blamed for everything."

Participants in the symposium also blamed the news media for creating some of the problems. Reporters focus only on the problems and the scandals, participating legislators argued, and rarely for long on honest, but complicated attempts to solve problems. As a result, the public is exposed only to state legislatures that appear inept at best and corrupt at worst.

For the larger states, the "professional" legislature is a reality. And these states tended to look for reforms in the election process to ease the worst sins of the fully-evolved system.

Quite a bit of attention was focused on public financing of elections as a way to ease the burden of lawmakers who feel they must constantly raise money in order to be prepared for the next election. In addition, a substantial number of participants felt that longer terms would eliminate some of the pressure.

Also, lawmakers were urged to consolidate money-raising in the hands of legislative leaders, who could then distribute it where needed during election season. This would eliminate the need of most lawmakers to worry about raising money and strengthen the hands of leaders in dealing with the emerging entrepreneurship of individual legislators.

Ironically, that is precisely the system that had developed in California, but was dealt a setback by voters who

Zimmerman of Santa Monica. (July 23rd, April 1990 CJ)

TIMBER HARVESTING. FORESTRY PROGRAM. BOND ACT — an initiative statute, sponsored by Wesley Higbie of the Timber Association of California in San Mateo. (July 23rd, April 1990 CJ)

FORESTRY PROGRAM. TIMBER HARVESTING. BOND ACT — an initiative statute, sponsored by George Craig of Oakland. (July 23rd, April 1990 CJ)

FOREST PROTECTION. TIMBER HARVESTING. BOND ACT — an initiative statute, sponsored by Thomas Lippe of San Francisco. (July 26th, April 1990 CJ)

PRESIDENTIAL PRIMARY — an initiative statute, sponsored by Democratic Assemblyman Mike Roos of Los Angeles. (July 30th, April 1990 CJ)

TRIAL BY JURY, INSTRUCTIONS — an initiative constitutional amendment, sponsored by Marion McEwen and Wayne Nygren of Hayward. (August 13th, May 1990 CJ)

ALIEN LAND OWNERSHIP — an initiative constitutional amendment, sponsored by Mark Peters of Glendora. (August 17th, May 1990 CJ)

PEST ERADICATION — an initiative statute, sponsored by Democratic state Senator Art Torres and Patricia Prickett of Hacienda Heights. (September 7th, May 1990 CJ)

PRIVATE PROPERTY, COMPENSATION FOR PUBLIC USE — an initiative constitutional amendment, sponsored by Thomas Herman of Crescent City. (September 11th, May 1990 CJ)

PESTICIDE REGULATION AND APPLICATION — an initiative statute, sponsored by Oscar Singer of Los Angeles. (September 11th, May 1990 CJ)

Petitions submitted to county registrars for verification of signatures prior to certification:

NATURAL ENVIRONMENT. PUBLIC HEALTH. BONDS — an initiative statute sponsored by Attorney General John Van de Kamp, Democratic Assemblymen Lloyd Connelly of Sacramento and Tom Hayden of Santa Monica, Albert Meyerhoff of the National Resource Defense Council in San Francisco, Michael Piker of Sacramento, Carl Pope of Berkeley and Bob Mulholland of Chico. Known as "Big Green." (February 1990 CJ)

CRIMES. TAXATION. BONDS — an initiative constitutional amendment, sponsored by Attorney General John Van de Kamp. (February 1990 CJ)

GOVERNMENT OFFICIALS. ETHICS. CAMPAIGN FINANC-

ING — an initiative constitutional amendment and statute sponsored by Attorney General John Van de Kamp, John Phillips of Los Angeles and Mayor Tom McEnery of San Jose. (February 1990 CJ)

MARINE RESOURCES — an initiative constitutional amendment sponsored by GOP Assemblywoman Doris Allen of Cypress. (February 1990 CJ)

ALCOHOL SURTAX FUND — an initiative constitutional amendment sponsored by Andrew McGuire of Sacramento. (February 1990 CJ)

FOREST PROTECTION. TIMBER HARVESTING. BOND ACT — an initiative statute sponsored by Robert Bennett Sutherland of Redway and Cecelia Lanman of Arcata and supported by Forests Forever of Ukiah. (February 1990 CJ)

INITIATIVE AND REFERENDUM PROCESS — an initiative constitutional amendment, sponsored by Joel Fox of the Howard Jarvis Taxpayers Association in Granada Hills. (March 1990 CJ)

STATE, LOCAL TAXATION — an initiative constitutional amendment, sponsored by Richard Gann of Folsom and by Joel Fox of the Howard Jarvis Taxpayers Association in Granada Hills. (March 1990 CJ)

PESTICIDE REGULATION — an initiative statute, sponsored by Joel Nelson of Visalia, Bob Vice of Fall Brook, and Leland Ruth and Dennis Merwin of Sacramento. (April 1990 CJ)

Failed to qualify:

STATE AND LOCAL TAXES — an initiative constitutional amendment, sponsored by Boris Isaacson of North Hollywood. (March 1990 CJ)

OWNERSHIP OF FIREARMS — an initiative constitutional amendment sponsored by Bernadine Smith and Gerald Hunt of Hanford. (February 1990 CJ)

STARVATION — an initiative statute sponsored by Eleanor George of San Diego. (February 1990 CJ)

TRANSPORTATION — an initiative constitutional amendment sponsored by Craig Hendrickson, Christopher Huntington, James Kendrick and Anthony Hedayat of Los Angeles; by Jeffrey Sceranic and Jeffrey Young of Rancho Cucamonga; and by Graham Kaye-Eddie of Bakersfield. (February 1990 CJ)

CANDIDATES. CAMPAIGN FINANCES. GIFTS — an initiative statute sponsored by Gareth Neumann of Glendale. (February 1990 CJ)

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approved Proposition 73 in 1988. That measure outlawed the transfer of money from one politician to another. The argument made by backers of the measure — three members of the state Legislature — was that leaders were exercising too much power and were dominating the process. If legislators raised their own money, they could vote their own consciences, the argument went.

Smaller states were urged to approach steps toward the California model with caution. Those which had a short legislative session were encouraged to keep them in order to make it easier for legislators to maintain their original occupations.

Staff should be kept under the control of legislative leaders, and preferably kept non-partisan, as a way of reducing temptations to have staff perform political tasks. In Connecticut, for example, all legislative staff is under the direction of a single, non-partisan executive director.

To boost public confidence in the legislative process, codes of ethics should be established and full disclosure should be made of all campaign contributions and lobbying expenses.

While representatives from the smaller states sometimes found it hard to believe they would end up going the way of California, they were often warned that the changes were inevitable unless specific steps were taken to stop the changes. Representatives from larger states warned that the changes would take place for one simple reason: In the political arena, winning elections comes first. And all the tools created for the full-time, professional legislature make winning elections easier. The temptation to use them that way is great, and incumbent lawmakers may find — as they have in California — they are impossible to resist. 

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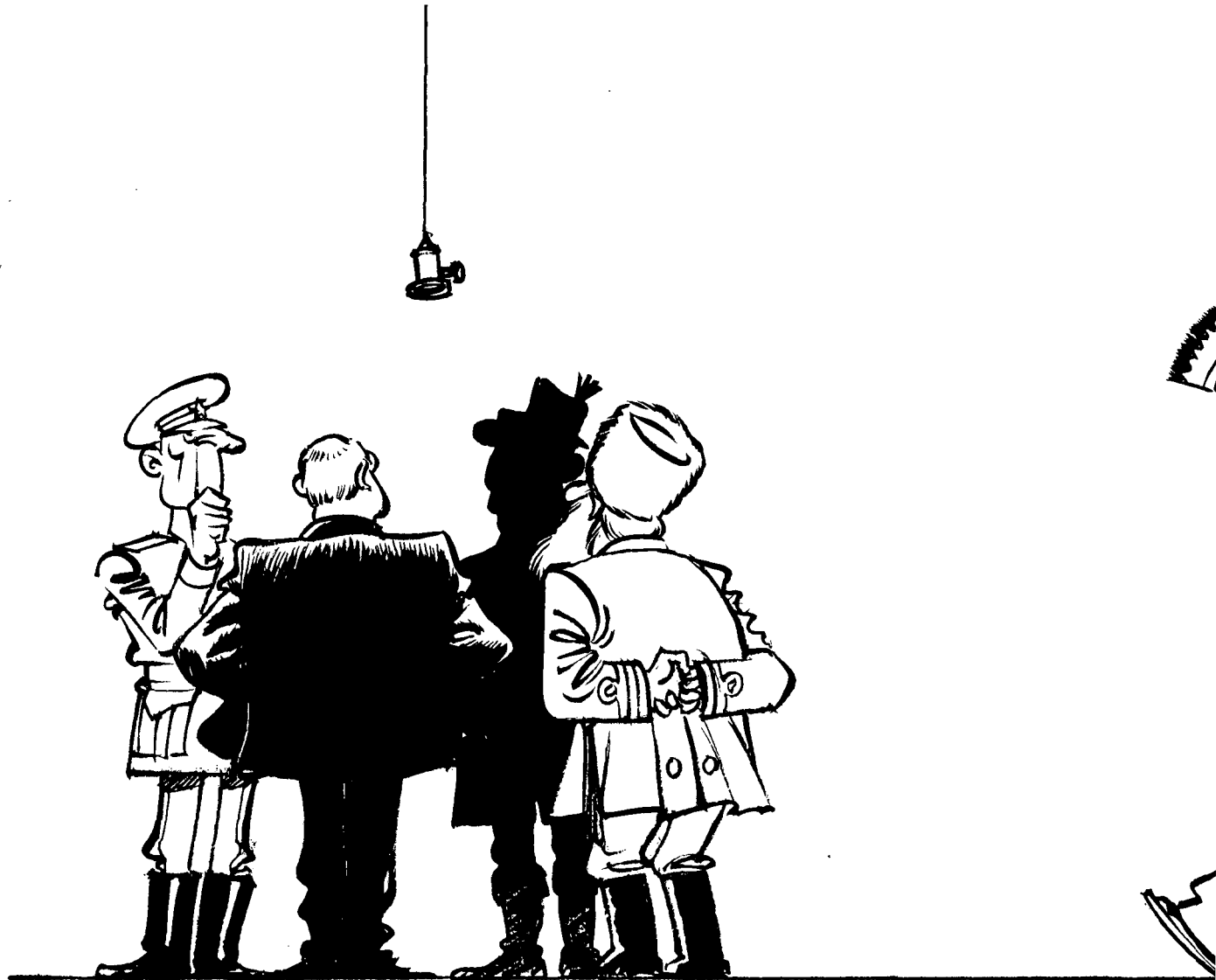
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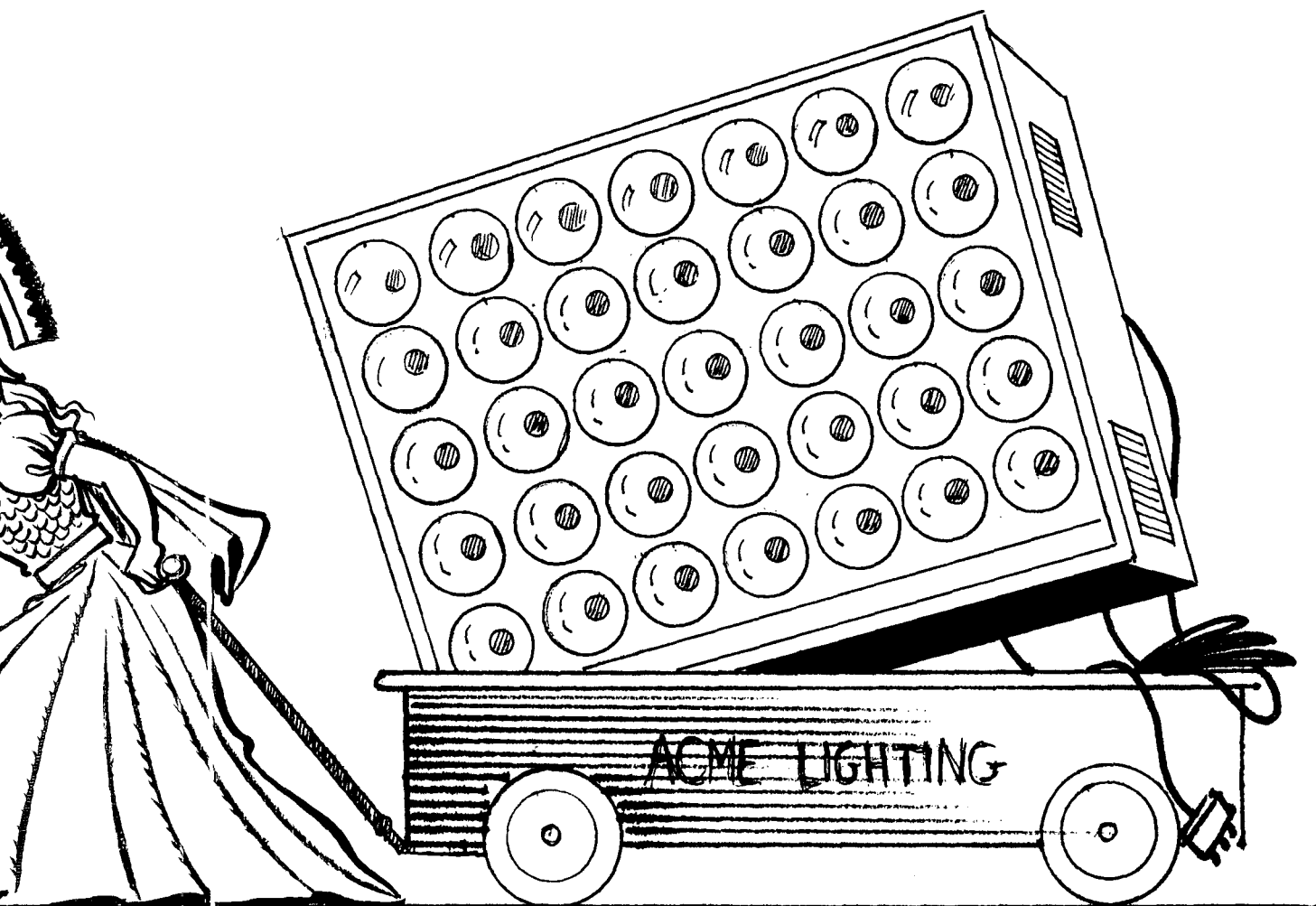
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California asked to shed democratic light on eastern Europe

By Anthony Quinn



Cartoon by Chris Van Overloop

What is Verejnost Proti Nasiliu and why are campaign experts Barry Fadem and Kelly Kimball working for it? And why is direct-mail consultant Wayne Johnson helping Obywatelski Klub Parlamentarny?

If there's an election, can California political experts be far behind? After a year of the world turned upside down, Eastern Europe has become the newest hotspot for the practitioners of democracy.

Verejnost Proti Nasiliu? That's Slovak for "People Against Violence" — the group of artists, dissidents and intellectuals who helped overthrow the communist government in Czechoslovakia. And Obywatelski Klub Parlamentarny? That's the Solidarity caucus that runs Poland's first non-communist government in 40 years.

Last March four California political experts (the author included) joined a seminar arranged by *Campaigns and Elections* magazine to Hungary, Czechoslovakia and Poland to lecture on American election techniques in preparation for this year's first free elections in Eastern Europe.

As we discovered, their ideas of their needs and our

ideas are quite different. My lecture area was the arcane process of drawing electoral districts. After a lengthy discussion of the evils of gerrymandering with one audience, their first question was: How can we use this method to get rid of the rest of the communists.

Phil Burton, where are you when we really need you!

As our group quickly learned, well-meaning Americans full of friendly advice are the least of their needs. In Hungary we were the umpteenth American delegation to pass through, following by a few days one that included former Governor Jerry Brown.

Brown's visit, the subject of a critical review in *Time* magazine, was with a group of Democratic Party leaders. Republican activists have found their way to Hungary as well, with both parties gushing sincerity about how wonderful all this democracy is.

In Eastern Europe, however, the real needs are more concrete. A four-hour meeting with Solidarity members of the Polish parliament left no doubt as to their priorities. Economic restructuring, including a virtual "cold turkey" transformation to a free market economy, is the first priority.

The political structure is secondary. In some countries, the elections this Spring will largely affirm decisions al-

ready made in the streets. Poland, with Solidarity firmly in control of the government, and Czechoslovakia, with President Vaclav Havel's Civic Forum running the show, have the advantage of governments that evolved out of the revolutions.

Czechoslovakia presented our group with its best opportunities. The Slovakian "People Against Violence" movement now faces the need to contest the June elections as a quasi-political party. Their "declaration of independence" last November along with calling "for the removal of the Stalinists and their methods from public life" urged the people to "take our own things into our own hands." They did so by rushing by the thousands into the streets.

We first meet this group at a "secret restaurant." Having been given directions to a certain street, we waited on our host, who knocked on an unmarked door. A lock was turned and inside we found a plush restaurant with tuxedoed waiters busying about. It seems this "secret restaurant" was a private club for high Communist Party functionaries — the so-called "nomenklatura" — and was kept hidden from ordinary citizens.

"I've lived here all my life and never knew this place existed," remarked one Slovak.

If you want to know why they threw out the communists, you need look no further.

The Czechoslovak "velvet revolution" was in fact a triumph of academics and intellectuals. The coordinating committee for "People Against Violence" included an actor, a sculptor, a painter, a futurist, a sociologist and a "literary theoretician."

What it did not include was many politicians, although they are learning fast. A photograph of the negotiations to

turn over the government shows a group of blue-suited, sour-looking middle-aged men across the table from a band of young denim-clad, shaggy-haired activists who looked like they would be more at home in Berkeley than in Parliament. Guess who won?

"We weren't around for the American independence revolution, so this is about as close as we can get." — Barry Fadem

With elections planned for June, California political advice was more welcome in Slovakia, spared thus far from hordes of American consultants. Barry Fadem, a San Francisco attorney, has volunteered to assist in writing election laws. Kelly Kimball, who heads a Los Angeles petition-gathering company, is assisting in obtaining computer hardware. Wayne Johnson is doing the same for the group in Poland.

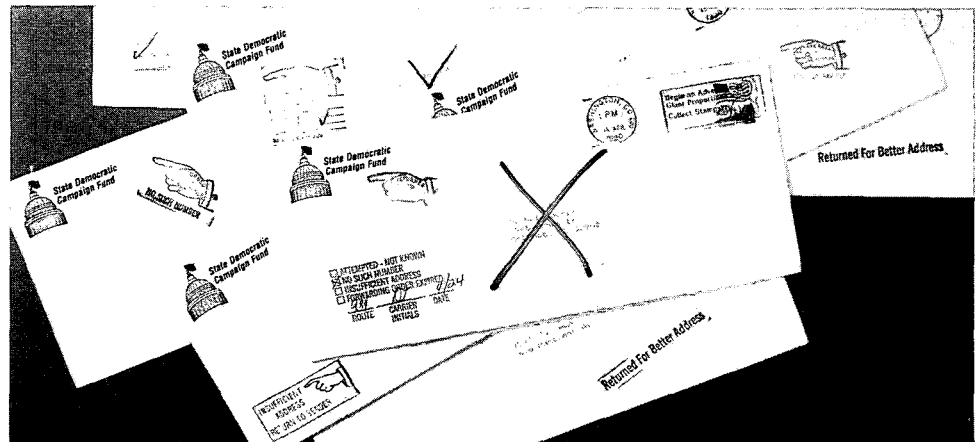
Fadem and Kimball also are helping to establish a non-profit institution in Washington to support the democratic efforts in Czechoslovakia. "We weren't around for the American independence revolution, so this is about as close as we can get," said Fadem.

California has another interesting tie to Czechoslovakia: The U.S. ambassador is former child-actress Shirley Temple Black. Black, whose home is in Atherton, tried to launch a GOP political career in a 1960s special congressional election (she lost to Pete McCloskey).

But with Republican presidents from California, Black

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The 1990-91 edition contains chapters on the various branches of government plus lobbying, parties and politics, the press, direct democracy, local government, and current issues. The 128-page, large-format book is edited by Thomas R. Hoerber of the *California Journal* and Charles M. Price, political science professor at Chico State University and author of several books on state and local government. The price: \$7.95 plus tax.

EDITED BY THOMAS R. HOEBER & CHARLES M. PRICE

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has had a highly successful diplomatic career, including her current posting in Prague, from which she and an amazed embassy staff watched a popular uprising rid the country of 40 years of communism in less than 10 days.

"We were told that if they could put 100,000 people in the streets, the government would fall, but no one could believe that until it actually happened," said a political officer in an embassy briefing for our delegation.

Black herself played a supporting role in setting the stage for the Czech revolution. "I told the old government there could be no American support until they addressed human rights," she said. In its final days last November, emissaries from the old government asked Black to help mediate the crisis.

The American embassy followed the revolution by sending its officers into the streets to measure the intensity of the crowds, and then report the situation back to Washington. "The revolution might not have occurred except for the government's overreaction to what were initially rather small demonstrations," said one embassy officer. "When the police began beating up students it was all over."

One American woman reporter was beaten by the secret police and required 17 stitches. Later that month, her husband was injured during a gun battle in the Romanian revolution. "I told them maybe they should go into a different line of work," Black quipped.

Given the new role for Americans in Eastern Europe, Black wants to expand the embassy, and that day was looking at space in the old communist police headquarters — oddly enough located directly across the street from the U.S. embassy.

Poles joke about the "Marshall Plan of Free Advice" that they have received from Americans on every imaginable topic.

That new role needs a lot of defining. Poles joke about the "Marshall Plan of Free Advice" that they have received from Americans on every imaginable topic. What they really want is foreign capital and technical support as they begin the wrenching process of rebuilding their ruined economies.

California's ultimate role could be supplying some of the technological and financial muscle these nations badly need. State Senator John Garamendi, a Walnut Grove Democrat, has opened discussions with California business schools on a proposal to send business management experts to Eastern Europe.

Garamendi's list of possible participants includes Stanford, USC, Pepperdine, UCLA and UC Berkeley, and he is searching out potential corporate sponsors, to both send business school professors to Eastern Europe and to bring budding entrepreneurs to California.

Other California legislators have talked about direct financial aid, but leaders of the new democracies don't want that. Soviet subsidies for inefficient industries got them into their mess in the first place.

Russia won its Cold War buffer zone at the cost of 27 million lives, and now, one after another, the countries of the East Bloc have run off and joined the West. California is the most western of the west. A mutual curiosity is pulling us together; maybe we're not too far from a Berkeley in Bratislava or a Silicon Valley in Silesia. 🏠

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The Self-Esteem Task Force

Making California feel good

By Siobhan Ryan

Can state government make you feel better about yourself?

Assemblyman John Vasconcellos thinks so. And if he's right, California will become a better place to live.

For nearly a decade, Vasconcellos has been pushing for his notion that at the root of some of society's most intractable problems — drug abuse, crime, school dropouts and teen pregnancy — lies the fact that individuals just don't feel very good about themselves. In the jargon, they lack "self-esteem."

But that notion, simple as it sounds, turned out to be a hard sell.

In 1984 Vasconcellos introduced his first bill to create a task force on self-esteem. It was defeated twice — once in the Senate and once by a governor's veto. But in 1986 the San Jose Democrat, criticized by some as a "touchy-feely" lawmaker who nonetheless heads the very practical Assembly Ways and Means Committee, made his third attempt. And this time, after cutting down the amount of money the task force would get and making a personal plea to Governor George Deukmejian, the task force became reality. In a one-on-one conversation with Deukmejian, Vasconcellos said boosting self-esteem was a concept a conservative should like.

"If [a task force] helps even a few persons appreciate and understand self-esteem," argued Vasconcellos, "we may have less welfare, crime, violence and drugs. That's a very conservative use of taxpayers' money."

Earlier this year, the California Task Force to Promote Self-Esteem and Personal and Social Responsibility completed its work. Its mandate included compiling research data, conducting public hearings, developing criteria to measure how self-esteem is nurtured and communicating the role of self-esteem to the people. In addition, the Task Force committed itself to providing the governor and the Legislature with a plan for incorporating its findings into policy development and public education on self-esteem.

Although research compiled by the University of California for the task force — edited by task force chairperson Andrew Mecca — failed to find direct links between low self-esteem and social ills, the task force's final report concluded otherwise. In Vasconcellos' phrase, the work of the task force transcended the limits of science and found that

Siobhan Ryan wrote this story while an intern for the California Journal.



"self-esteem *did* make a difference."

Self-esteem has proven to be a compelling force in Vasconcellos' life. His desire to create the task force grew in part out of a painful, personal struggle to develop his own self-esteem. Vasconcellos maintains he only recently has overcome his lack of self-esteem. In an interview with the *New York Times* over a year ago, Vasconcellos confided, "I came from a traditional, Catholic family ... I did everything right ... I've been running for office since the eighth grade, when I lost by one vote — my own."

Vasconcellos seems to have come a long way since the eighth grade. In 1986 Republican Assemblywoman Marian LaFollette sent memos to her colleagues, suggesting they show a good example by volunteering to take urine tests for narcotics. Vasconcellos scribbled a reply on the memo: "I already serve as a fine model for my constituents ... I am a passionate champion of individuality, freedom, dignity — the American ethic! ..." The assemblyman has 23 personalized plaques on the wall of his reception office to prove it. Among all these certificates of appreciation and honorable recognition, one reads "To Vasco Whose Heart

Speaks All Languages."

If Vasconcellos feels good about the work his task force has performed, other reviews were not always so generous. For instance, "Doonesbury" cartoonist Garry Trudeau, who lampooned the task force when it was first created, took another round of shots at it when the report was completed.

And one newspaper columnist recommended that members of the Legislature could benefit from a self-esteem-reducing program. *Sacramento Bee* columnist Steve Maganini, reacting to the task force's advice on curbing teen pregnancy, wrote, "Instead of using birth control, teenagers can go around feeling good about themselves."

Despite media remarks like these, which task force member Wilbur Brantley calls "tongue-in-cheek crap," task force backers say even critics can't deny the societal implications of the group's efforts. Through Trudeau's acrimonious spoofing, its efforts have become known nationwide. The task force has identified and reported on now-existing programs which incorporate self-esteem. An example is GAIN, which mandates that all welfare recipients with children above the age of three years engage in an education, job-training and job-search program. In Napa County, for example, Mecca notes that "People participating [in GAIN] have a seven-times higher rate of getting off welfare than the control group," adding, "This challenges legislators to use this program."

Another successful program identified by Vasconcellos and company operates in affluent Marin County. Dorothy Hughes is the founder of the Campaign for a Healthier Community for Children, which builds the self-esteem of young people by getting them involved in community activities. Says Hughes, "Children need to feel they're the concern of the community as they did years ago when people lived in extended families." Hughes added that children today grow up in isolated, nuclear families where they often are at risk. "Many people don't realize the extent that kids are latch-key children." One thing that happens to those growing up ignored or isolated, according to Hughes, is a loss of self-esteem.

However, Mecca emphasized that the government can't alone provide a magic solution for social problems. "It's people and communities participating and taking ownership of the problem, finding solutions relative to their community," he said.

Other task force members echo the same "You can lead a horse to water" wisdom. Brantley commented, "The report isn't filled with how-to's. The real work must be done at the grassroots level." During its three-year mandate, the task force has attracted 10,000 citizens statewide who now participate through the 49 county self-esteem task forces, according to Mecca.

Critics have pointed out that the report's links between low self-esteem and societal problems are not causal and thus meaningless. Yet Mecca and other advocates have attributed some of this uncertainty to methodological problems with researching self-esteem. For example, different researchers work with different definitions of self-esteem, thus producing differing results.

Others feel the report findings offer little in the way of concreteness or revelation. One journalist attending the press conference for the report's release asked Vasconcellos whether the task force's goals weren't mere replications of the Great Society programs of the '60s like Lyndon Johnson's War on Poverty and John Kennedy's Peace Corps.

"What's different [from the Peace Corps]," offered Mecca at the release of the final report, "is our focus on the psychological development. It's where you add to the job training the psychological element."

Perhaps what is new in the task force's message lies in its heralding of the bottom-up solution. Both Mecca and Vasconcellos endorse increased governmental flexibility in supporting problem-solving action plans developed by local communities for those communities. When individuals have a good sense of themselves, they insist, individuals may act more effectively as a group.

Mecca listed the "classic example" of families in San Francisco's Hunter's Point who were upset about drug abuse and acted on their discontent. Along with older citizens of the community, Hunter's Point families formed a council with ministers and other citizens to combat the problem. Mecca remembered being in awe of the children in that community whom he interviewed. He said the kids expressed pride in their community as a result of the formed solidarity and had told him, "We're staying here and we're going to make a difference." He maintains that examples like these lend support to the idea that people can make positive things happen by cooperating and believing in their own strength.

Some of the criticism against the task force stems from misconceptions about the implications of nurturing self-esteem. The report defines self-esteem as "appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others."

Self-glorification is not built into the definition, according to Mecca. *Time* published an essay on the futility of self-esteem curricula in American schools, noting that American children who scored far poorer on a standardized math test than their Korean counterparts, scored number one on the percentage of children who agreed with the statement: "I am good in mathematics." Koreans came last in this category.

"The worst thing in the world you can do is to shine a kid with shallow compliments," Mecca said. "One sincere compliment is better than a host of insincere ones."

Yet another band of critics points to the idealistic tone of the report. Vasconcellos' own view accords with those of psychologist Carl Rogers that "people are basically decent, and given the right kinds of recognition, nurturing, love and support, will live in constructive ways."

Task force member and Special Assistant Attorney General Brian Taugher agrees in principle while leaving room for exceptions. "You're not going to take Charles Manson and persuade him to be a good person," said Taugher, adding, "But there's an awful lot we can do with our children."

Sacramento clinical psychologist Gary Gilbert agreed that "the earlier one [loses] self-esteem the more detrimental," adding that the psychologist's problem is that much of the damage has been done to the patient before any help can be offered.

Was the three-year focus on self-esteem a fleeting example of feel-good hype or will efforts by politicians help to keep it on the agenda? Will the public continue to hear in the news about community efforts to combat neighborhood drug problems?

Vasconcellos told a Honolulu paper last January, "The 1980s concluded with the remarkable liberation of Eastern Europe and I hope that in the 1990s we can liberate ourselves from drugs and other social problems." 

Parks left out of the green revolution

By William Dillinger

Editor's note: William C. Dillinger spent 16 years as public information chief of the California Department of Parks and Recreation, retiring in 1984. He currently serves as volunteer executive director of the League of California State Park Non-Profit Organizations.

With all three major gubernatorial candidates and most other office-seekers wrapping themselves in so much green, you'd think Election Day was March 17th. California environmentalists are happily preparing for what they are sure will be *their* decade.

Yet the State Department of Parks and Recreation whose very motto is "Think Green," doesn't seem to be getting dressed for the party.

Every election, there are more bond acts and initiatives that make millions of dollars available to finance environmental programs. But the amount going to the Parks department, where acquisition and development programs have been funded by bonds since the 1920s seems to get smaller and smaller each year. Other agencies, such as the Wildlife Conservation Board and the various conservancies, get more and more, and end up owning and managing lands that once would have been automatically turned over to the Parks department.

Worse yet, the Parks department doesn't even seem to get consulted. In the good old days, the Parks Commission, after a couple of hearings and a nod toward influential state legislators, would draw up a statewide priority list, and that was how the bond money got spent.

Not any more.

These days, an initiative's sponsors pick the projects and while, for the most part, they focus on some critical need, they sometimes tend to give an uncomfortable amount of consideration to a project's potential for attracting votes.

It's hard to find state parks at all in this year's crop of environmental-funding initiatives — the mountain-lion preservation bill (Proposition 117 on the June ballot), or "Big Green" or



the proposed liquor tax, both planned for November 1990. What little park money they contain is mostly for local park programs run by cities and counties.

Even when state park projects are included in a funding measure, they don't fare well.

Last year, properly allocating park money from Proposition 99, the tobacco-tax initiative, was like reenacting Hemingway's "Old Man and the Sea." By the time environmentalists had towed their prize home through shark-filled waters, they had nothing left but the head and bones.

First, the Deukmejian administration tried to use Proposition 99 money to make up its budget deficit, instead of for new programs as specified in the initiative. A valiant fight in the Legislature by the Planning and Conservation League and others stopped that tactic. Instead, a host of lawmakers tried to gobble the money for their own pet projects, only to see the governor make them disgorge it by deft use of his blue pencil.

The Parks department remained passive through this whole affair, like an old dog getting a bath. And such passivity seems to be one of the main things that puts off the department's former supporters.

When Parks Director Henry Agonia was first appointed, he got off to a brave start by banning off-highway vehicles from sensitive Coyote Canyon in Anza-Borrego Desert State Park. But under pressure from off-road enthusiasts he retreated to a permit system — which local desert lovers say fails to do the job.

When a proposed open-pit gold mine posed a threat to the old ghost town of Bodie, a State Historic Park and National Historic Landmark, the department lay back until the California State Park Rangers' Association ran out of patience and formed their own "Save Bodie!" committee to do what the department had failed to do. Only recently has the department become involved.

When a local school district in Santa Barbara County tried to condemn 16 acres of Gaviota State Park for a school site, the attorney general successfully defended parklands as being of such public value that they could not be condemned in this kind of action — a critical precedent. But the department turned around and, under pressure from a legislator, agreed to sell the property to the school district anyway.

"We didn't want the case to be appealed," Director Agonia explained. "Besides, we now have money we can use for higher priority projects."

Money does seem to be at the root of many of the department's problems. A wealth of new and expanded responsibilities — trying to run an expanding park system and serve an expanding population; coping with new uses such as windsurfing and mountain-biking; dealing with new kinds of law enforcement problems — would strain any system. And attempting to do it within a budget that doesn't even keep up with inflation, and with personnel levels that don't allow adequate staffing, definitely puts the department in the "bricks without straw" category of those from whom day-to-day miracles are routinely expected. Meanwhile, a \$20 million backlog of deferred maintenance grows by \$2 million to \$3 million a year. For instance, the ranger at Marshall Gold Discovery State Historic Park can no longer saw logs at the replica of Sutter's Mill for fear it will topple over from long-ignored dry rot.

The Save-the-Redwoods League is concerned because there's only one ranger to patrol an 11-mile stretch of the Navarro River the League acquired for the state parks sys-

tem at a cost of \$6 million. And Sinkyone Wilderness, with 18 to 20 miles of coastline, has only two positions to protect it. Undesirable easements and encroachments on proposed park sites are slipping by because there aren't enough people to review environmental impact reports thoroughly.

So demoralized is the department that it doesn't even have a long-range plan. The last one, done in 1980 and updated in 1982, has little relevance to today's world. A half-hearted update, staffed by low-level employees, has recent-



I used to be the mascot of the State Parks Department

ly been started, but only in a belated effort to meet increasing legislative impatience.

There is no current plan for historic restoration, either. Nor for most of the department's other major programs. Yet no less an authority than Newton Drury, the man primarily responsible for building the state park system in its earliest days, always insisted on a strong over-all plan as essential to keeping park development on track and for defending park priorities.

As if this weren't enough, there are also a number of budget games going on that would try the patience of the most dedicated bureaucrat. When new money comes in, such as the tobacco-tax funds, the governor's Department of Finance usually manages to offset it by reductions here and there along the line. Parks suffers from the fact that it is one of the few areas of the state budget that the governor *can* cut. There are no automatic cost-of-living clauses giving more money to Parks. So when push comes to shove, as it has in recent budget years, the department suffers.

Desperate to set up some new programs a few years ago, the department got itself into another corner by agreeing to produce additional revenues to offset any expenditures the new programs might incur. This worked fine for those projects that could generate money. And it still works for new campgrounds, launching ramps, and the like. But a new maintenance facility at Big Sur that would save money through greater efficiency is having trouble getting past the number-crunchers because there's no way it can produce revenue. Any number of other worthwhile projects are held up for the same reason, including some involving badly needed staffing.

A still greater problem is what this financial crunch does for the department's basic approach to managing parks. All park departments have two basic and often conflicting missions: to protect natural and cultural resources, and to provide recreation. Recreational facilities tend to be revenue generating; scenic marvels and wilderness and historic buildings do not.

Inevitably, the scale is tipped when there is a need to earn money. Director Agonia says he isn't sure this is entirely bad. The department may have been too preservation-

oriented in the past, he thinks, and probably should be giving more consideration to doing "people" things.

A former city park director in Glendale, Agonia says one of his ambitions is "to bring local park thinking into the state park system."

Of course, this attitude panics preservationists, who fear it means "the sweatshirt and whistle boys" are taking over. Since the days of William Penn Mott, the Sierra Club and others have considered the Parks department to be too recreation-and-development oriented. This feeling also undoubtedly contributes to environmentalists' current reluctance to include the park system in their bond proposals.

Money also seems to be at the bottom of the department's troubles with its volunteers. In a recent Senate committee hearing subtitled "A Public-Private Partnership Gone Sour?" representatives of several volunteer groups complained about the department's high-handed methods of dealing with volunteers.

Representatives of the Ano Nuevo Interpretive Association, which for 10 years ran the highly successful elephant seal tours at the state reserve in San Mateo County, testified that the department had forced them and their self-supporting program out of the reserve in order to take over the program itself, in the name of "control." Volunteers from Big Basin Redwoods, Pescadero Marsh, and Henry Coe reported similar problems with the Department.

And "control," as testimony presented by League of California State Park Non-Profit Organizations President Mary Ellen Young revealed, seemed to be largely a question of control over expenditure of the sizeable treasuries many of the department's cooperating associations have built up.

By law, the sole purpose of the associations, and of their money is to support interpretive and educational programs. But the temptation to tap their funds for desperately needed law-enforcement and maintenance equipment — a police radio here, a tractor there — has sometimes been too much for badgered Park supervisors to resist.

There is also a genuine "control" problem in a few instances. In an understaffed park, volunteers given no leadership may take the bit in their teeth and do projects that don't fit department criteria — moving an old building of doubtful authenticity into an historic park, constructing a small visitor center where they thought best because the department seemed unable to make up its mind.

The department, like an ailing snake biting its own tail, first took an adversarial attitude that further alienated its volunteer groups. But Senator Dan McCorquodale, a Democrat from San Jose who chaired the legislative hearing, seems to have persuaded the Parks department to broaden its in-house task force on volunteers to include a representative of the park volunteer league and members of two cooperating associations, as well as a public member, and all parties are now hopeful things can be worked out.

Potentially, the volunteers can be a powerful support group for the State Park System.

A new state-wide support group is also being formed by private citizens around the state. Called the California Parks and Conservation Association, it's patterned after the National Parks and Conservation Association which forms a similar support group for national parks. Already CPCA has been helpful in mobilizing public support to defeat a proposal to allow extensive grazing at Mt. Diablo State Park.

Such public support can be helpful in offsetting the lack of support the department has received from the last several state administrations.

"The real problem," the Sierra Club's Bob Mark points out, "is that this administration has been unwilling to invest

in park acquisition or adequate park management. The governor has not supported his Parks department, and has vetoed bill after bill that would have helped them."

Another indication of the current governor's lack of interest is the way the state park director's office has been a kind of revolving door for short-term political appointees, interspersed with caretaker management, since the departure of William Penn Mott in the 1970s. Former leaders like Mott, Newton Drury and Joe Knowland, long-time chairman of the State Park Commission, had strong support from the governor. And they weren't afraid to speak up.

"A park director isn't there just to take orders," points out John DeWitt of the Save-the-Redwoods League. "He sometimes needs to stand up to the administration and make his needs known."

Murry Rosenthal, the Sierra Club's chairman for state parks in Southern California, misses Mott, despite their hot battles over Mott's development plans for Point Mugu.

"At least I had to admire his large view, and his tenacity, his determination to pursue what he thought was right," Rosenthal reminisces. "The department leaders today lack that long-range vision. And, of course, the funds to get things done."

Even Mott, though, "had to run as fast as he could just to stay in place" as National Park Service director in the "Alice in Wonderland" world of the Reagan administration.

"We want to be sure the next governor, whoever it happens to be, is a strong environmentalist," stresses Jerry Meral, director of the Planning and Conservation League. And he has strong hopes.

All three leading contenders — Democrats Dianne Feinstein and John Van de Kamp and Republican Pete Wilson — have taken the vow. As Attorney General Van de Kamp said in addressing the recent PCL Conference, "It's no longer respectable *not* to be one of you."

Even Governor Deukmejian could still get into the act, Meral believes. "He could go out looking like a statesman by doing just a couple of things," Meral observes. "He could put [the proposed] \$874 million bond act on the November ballot. And he could appoint some good environmentally oriented people to the three vacancies that are open this year on the State Park Commission."

With help like that, the state park system might rise again. 

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OUR QUOTES WEAR WELL

L.A. TIMES: "Marks also condemned Brown and others for using "strong-arm tactics" to try to pry away support from the initiative. Brown's efforts, first detailed in the newsletter Political Pulse, have included an attempt to get A. Alan Post, a respected and retired legislative analyst, to renounce his support for Proposition 113."

BILL ENDICOTT IN THE SACRAMENTO BEE: "The newsletter Political Pulse carried a detailed account of the Ontario meeting in its last issue and quoted a Democrat and active league member who was there as saying Brown's comment produced an audible gasp in the audience."

UPI: "Meanwhile, A. Alan Post, a respected, retired state legislative analyst, told Political Pulse newsletter that he will continue to support Proposition 119, despite an intensive effort by assembly Speaker Willie Brown, D-San Francisco, to persuade him to withdraw his backing."

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

A bleary-eyed lap dog

"Full disclosure" was a guiding principle for the architects of campaign-reform legislation enacted in reaction to the Watergate scandal of the 1970s. The idea behind requiring detailed campaign-finance reports from candidates was that voters would know when special interests financed politicians — and would react at the ballot box against abuses.

THE EXTENSIVE RECORD-KEEPING OF THE Federal Election Commission in Washington — and of its California counterpart, the Fair Political Practices Commission in Sacramento — is a potential treasure trove of details about the money and influences that are distorting American democracy.

Occasionally, as in the Lincoln Savings and Loan scandal that has so badly damaged California's Senator Alan Cranston, the records provide the public with damning details about the marketplace of political influence.

Politicians are well aware that the FEC records can provide embarrassing evidence of the special-interest company they keep. Since the oil spill in Alaska, for example, it's a safe bet that not too many Senate candidates have been pleading for contributions from Exxon executives. And, by and large, it's not considered good form for a candidate's campaign statements to be loaded down with the names of pornographers or Mafia dons.

Despite such exceptions, however, the public's general reaction to the gritty details of campaign financing is a collective yawn. The reason may be that voters cynically assume all politicians are in the pockets of special interests anyway — a notion that is simply reinforced by the vast torrent of campaign contributions.

In fact, candidates perversely tout their fund-raising prowess as a badge of honor. In any campaign, count on the candidate who has raised the most money to trumpet the dubious achievement as yet another indicator of success (second only to the all-powerful opinion polls) in the political horse-race.

Beyond disclosure, the second purpose of the Federal Election Commission was supposed to be enforcement. But the purported watchdog of federal election laws has turned out to be a bleary-eyed lapdog.

"As an enforcer, the FEC is a captive of the members of Congress and the two major political parties — the very ones it was supposed to regulate," investigative reporter

Brooks Jackson concluded in a recent study for the Twentieth Century Fund. "The FEC's weak enforcement has made the campaign-finance laws a fraud on the public."

Under pressure from Congress, the FEC has been stripped of any real investigators and even barred from performing random audits to test the veracity of politicians' finance reports. It can question the reports only when prodded to do so by the lodging of a complaint.

The commissioners are all former operatives for the two major political parties and for special-interest groups — the very forces that the commission is supposed to police. "There have been no prominent academics, no distinguished former judges, no national leaders from nonpartisan groups such as the League of Women Voters," noted Jackson, formerly a reporter with the *Wall Street Journal* and now a member of CNN's new investigative squad. Commissioner Lee Ann Elliott, to take the best example, was a former top fund-raiser for the American Medical Association Political Action Committee. She used to travel the lecture circuit, giving tips on how to set up such special-interest political funds.

Working under legislation requiring that the commission be equally divided between Democrats and Republicans, the FEC is often deadlocked into inaction. Even worse, its insider commissioners sometimes engage in a bipartisan conspiracy to protect the status quo. The best example has been the commission's refusal — even under a judge's orders — to crack down on huge "soft money" contributions that have been used by both parties to get around campaign contribution limits.

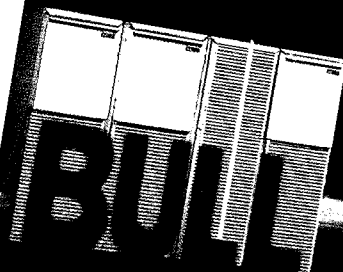
Here's an excerpt from Jackson's scathing report, "Broken Promise — Why the Federal Election Commission Failed": "Originally, the Federal Election Commission was envisioned as the most significant reform to come out of the campaign scandals of Richard Nixon's Watergate affair. Its promoters wanted a vigorous, independent law enforcement body. But the FEC has failed...."

"IT HAS INTERPRETED THE LAW SO permissively that special-interest groups may funnel money to candidates practically without limit if they wish. And those who wish to evade or violate election laws have had little to fear from the FEC. It often overrules its own staff's recommendations to investigate suspected infractions, and it can consume years resolving even a relatively simple case.

"Punishment is not only slow but also slight when it does come. The FEC hasn't referred a case to the Justice Department for criminal investigation in more than a decade, and even the civil fines it collects are typically a small fraction of the amounts a candidate has illegally collected or spent."

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